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1 Massachusetts - Hist - Colonial period,  
2 " " " " , 1775-1865  
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**HISTORY**

OF

**MASSACHUSETTS,**

**From 1764, to July, 1775 :**

WHEN GENERAL WASHINGTON TOOK COMMAND OF THE

**AMERICAN ARMY.**

.....  
**BY ALDEN BRADFORD,**  
SECRETARY OF THE COMMONWEALTH.

**BOSTON :**

**PUBLISHED BY RICHARDSON AND LORD.**

.....  
**J. H. A. FROST, PRINTER.**  
**1822.**

DISTRICT OF MASSACHUSETTS, *to wit* :

DISTRICT CLERK'S OFFICE.

BE IT REMEMBERED, that on the twelfth day of August, A. D. 1822, in the forty-seventh year of the Independence of the United States of America, *Richardson & Lord*, of the said District, have deposited in this office the title of a book, the right whereof they claim as proprietors, in the words following, *to wit* :

"History of Massachusetts, from 1764, to July, 1775: When General Washington took command of the American army By Alden Bradford, Secretary of the Commonwealth."

In conformity to the Act of the Congress of the United States, entitled, "An Act for the Encouragement of Learning, by securing the Copies of Maps, Charts and Books, to the Authors and Proprietors of such Copies, during the times therein mentioned;" and also to an Act entitled, "An Act supplementary to an Act, entitled, An Act for the encouragement of Learning, by securing the Copies of Maps, Charts and Books, to the Authors and Proprietors of such Copies during the times therein mentioned; and extending the Benefits thereof to the Arts of Designing, Engraving and Etching Historical and other Prints."

JOHN W. DAVIS,  
*Clerk of the District of Massachusetts.*



TO THE  
PEOPLE OF MASSACHUSETTS,  
This Volume,  
EXHIBITING THE PRINCIPLES OF  
*POLITICAL LIBERTY*,  
ASSERTED BY THEIR INTELLIGENT AND BRAVE  
PREDECESSORS,  
AND TO THE RECOGNITION AND INFLUENCE OF WHICH  
THEY ARE INDEBTED,  
UNDER PROVIDENCE,  
FOR THEIR PRESENT MOST FREE AND HAPPY  
*FORM OF CIVIL GOVERNMENT*,  
IS HUMBLY AND RESPECTFULLY  
**DEDICATED,**  
*BY THE AUTHOR.*



## PREFACE.

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JUDGE MINOT continued the history of Massachusetts to the close of the year 1764, when the dispute began between Great Britain and the American colonies; which, after ten years, issued in an appeal to arms, in defence of civil liberty. And the great events of the revolutionary war have been ably and faithfully narrated. But the patriotic and persevering efforts of Massachusetts, for several years preceding the commencement of hostilities, have never been fully noticed. A correct statement of their zealous services in the cause of freedom seems necessary, in justice to their precious memory, and from a due regard to the present and future generations. They stated the *natural* rights of man, and the constitutional privileges of Englishmen, with a clearness and force, which confounded the apologists of arbitrary power, and silenced the unprincipled agents of a corrupt court. A new *era* was established in political science. The *foundation* of civil liberty was, indeed, laid long before, in the principles recognized by *Magna Charta*, and at the revolution of 1689. But it was rendered immovable by the arguments and reasonings of ORIS, ADAMS and others, in their defence of the rights of the British colonies: And all the political compacts, since framed in America, whether of this Commonwealth in 1780, or of the United States in 1788, are in conformity to the sentiments and maxims then advanced. They contended, that Kings and civil rulers derived all their right to govern, from the consent

of the people ; and that these were bound to submit and obey *only* in so far as the former observed the great principles of justice and equality, and exercised the power delegated to them for the public welfare.

It is proper to recollect, that the American colonies, especially those of New England, were settled by our ancestors, without any expense to the parent country. They were not planted at the cost of England for the purposes of wealth : But by their own labor and toil, with views of a permanent establishment ; and on a royal promise of the full exercise of all the powers of native Britons. The British *Parliament* had no right to give, and no voice in giving them a habitation, or a form of government. Their only obligation was to the *crown*, for a release of its pretended, but imaginary claim, founded on early discovery. And in this contract, there was a guarantee of all the liberties of British subjects. Allegiance to the King, therefore, was readily and uniformly acknowledged : But the controlling power of Parliament, never. On several occasions, in the more early days of the colony, the General Court insisted on their *sole* right to levy monies on the people, and to legislate for them ; subject only to the control or supervision of their Sovereign. What degree of power was to be exercised by the Colonial Assemblies, and what the right of Parliament to legislate for the American subjects, were the important and critical questions agitated, with great warmth, during the period of our history embraced by this volume. The British ministry, and their servile agents in Massachusetts, contended for the *absolute supremacy* of Parliament, which rendered all the authority claimed by the American Assemblies entirely null and void : While the patriotic civilians of this province insisted, that, according to the constitution of England, and express provisions of their charter, they had the full power of legislation within the plantation : And, “ being erected into a distinct Commonwealth, might assume the same rights with the State, from which it had descended.”

It is important to remark, that the first settlers of Massachusetts were decidedly religious characters ; and that their



chief object in emigrating from England, was the enjoyment of the ordinances of the gospel in their purity, and the extension of Christian knowledge among the heathen in America. They, likewise, early discovered almost an equal love of civil liberty. These sentiments, we believe, are usually cherished in the same breast. The one naturally produces and strengthens the other. Besides, our ancestors, before they came to this country, had suffered as much from the arbitrary conduct of their Kings, as of the Bishops; and were induced to examine, as well into "the divine right of Princes," as the ghostly power of lordly prelates: And the effect was to give them an ardent attachment both to religious and political freedom.

I have only to observe, that it has been my aim to be correct rather than elegant; and faithful rather than amusing. Nothing has been advanced upon conjecture; and nothing asserted without examination, and on proper authority.

From the proceedings of Massachusetts, related in the following pages, and from a volume of "State Papers," which I collated and gave to the public four years ago, it will be perceived, how important were her wise counsels, and her resolute exertions in support of the liberties of America, at a time when they were openly and systematically assailed by the ministers and agents of a powerful nation. And if my humble efforts have contributed, in any degree, to preserve a recollection of events, honorable to this ancient Commonwealth, I shall consider myself as having discharged a duty which I owed to society and to the State.



## INTRODUCTORY CHAPTER.

Peace of 1763—State of the Province—Heavy debt—Attachment to Great Britain—Pursuits of the People—Policy of the British Ministry—Plan to raise a revenue from the Colonies—Conduct of Ministers Indecisive—Minot's History.

EARLY in the year 1763, a definitive treaty of peace was concluded between England and France. For eight years previously to this period, the two nations had been almost continually at war; in which their colonies in North America were deeply engaged. Each of these powers had extensive possessions on this western continent; and were desirous of enlarging their respective territories. Their settlements in America served to increase their commerce, and afforded markets for their surplus produce and manufactures. The western shores of the Atlantic, and its numerous rivers and harbors, were also highly beneficial to the parent country, as places for their naval armaments, at that time employed, either to be repaired, or to obtain supplies.

The English armies, in this contest, received large recruits from the colonies: but from none, so many as from Massachusetts. For almost the whole period of the war, this Province had 2000 troops; and some campaigns, a much greater number;\* acting in concert with the British, and under the direction of their commanders.

\* In one, they raised 7000.

The interests of Great Britain and her colonies were closely connected, in the objects of this long and expensive war. The prosperity of both was alike involved in the issue. The local situation of Massachusetts, and the pursuits of many of her citizens, rendered her particularly desirous of a successful termination of the contest. And her population and resources, compared with the other colonies, were great and respectable. But from a wish to support the honor of the British government, as well as from a natural anxiety to secure her own territory, this province was prompt in its exertions to check and humble the power of France. It had always gloried in making a part of the British empire; and the people were desirous of being identified with those of that great and free nation, in her rights and interests, her manners and laws. If there had, sometimes, been collisions between the royal governors and the legislative assembly of the province, yet they had always acknowledged allegiance to the king, and readily complied with his requisitions. At the time, of which we speak, and immediately preceding the dispute, which led to the revolution and to Independence, there was a general satisfaction in their colonial condition. And several years afterward, when the controversy assumed a more serious character, and great discontent prevailed, respecting the measures of the British government, the patriots of Massachusetts declared, that they only wished to be restored to their former rights and privileges. As proximate or remote causes of the revolution, we must look to other influences than those of ambition or discontent. It must be traced to a departure, in the policy of Great Britain towards America, from that formerly pursued, and to a violation of those rights, to which the colonies were entitled by their charters, and the great principles of the English constitution.

A great national debt was incurred by this protracted war. In England, it was increased seventy-

three millions. The colonial governments were responsible to their respective troops; and Massachusetts, having raised and kept in the field such large forces, was oppressed with a heavy debt, due to those who made a part of the united armies. The administration in England was so well satisfied of the value of the services rendered by the colonies, and of their inability to discharge the debt occasioned by the war, that, notwithstanding the accumulated amount of their own, in 1761 they ordered a liberal reimbursement to Massachusetts and to some of the other colonies, for the expenses which had then arisen, in the aid afforded to the British government.

Peace being now restored between Great Britain and France, the inhabitants of the colonies were left at leisure to avail themselves of their national resources; which, by industry and enterprise, promised to add greatly to their prosperity and importance. And no people were more distinguished for these qualities than the citizens of Massachusetts. They were a brave and hardy race of men; regardless of difficulties, and habituated to labor and fatigue. They cultivated their rugged soil with success; and established many useful manufactories, though their imports were still great and various. With many, commerce and the fisheries were the chief objects of pursuit. Like their adventurous ancestors, and like their brethren of Great Britain, they engaged in commercial enterprises to various parts of the world; particularly to the West Indies, and to ports in the south of Europe and within the Mediterranean. A great portion of the population on the sea coast was employed in the cod fishery, which proved a source of extensive trade and wealth. Fish was an article of exportation, which enterprising men turned to good account. Spars and lumber were also exported from the province, and afforded a very profitable trade.

A new administration in England perceived the growing prosperity of Massachusetts, and of the colo-

nies in general. The existing debt of the nation, as before observed, was very great; and new expedients were to be attempted, to increase the public revenue. Individuals in the province represented its resources to be very great; and stated that the people were fully able to contribute to the treasury of the parent country; when, in truth, the taxes necessary to pay the debt and support the government of the province were a heavy burden on the people. It is uncertain, whether this statement was made, on an inquiry from the British ministry; or, otherwise, for the selfish purpose of augmenting their own stipends, as public officers of the crown. It was the misfortune of Massachusetts, from its first settlement, to have some of its citizens and of those residing in it as agents of the British government, who were more attached to the parent state, or to their own personal aggrandizement, than to the prosperity and freedom of this ancient and truly loyal province.

Another argument for taxing America, and raising a revenue to be placed in the British treasury, or to be at the disposal of ministers in England, was furnished by the pretence, that the war, just then terminated, had been declared and continued chiefly for the purpose of protecting the colonies. But this was far from being a correct view of the subject. The war would never have been waged merely to protect these distant colonies. It was the object of England to distress and humble France, her powerful and natural rival. She had her own glory in view. The people of Massachusetts had always protected themselves from the inroads of the savages, and the piratical attacks of French and Spanish adventurers, without soliciting aid from England. This was a great national contest: and to charge the expenses of it on the colonies, was most unjust. It may well be doubted, whether the minister who urged this argument as a justification of the new revenue system, was himself convinced of its validity and justice.



This plan of the ministry, however, was approved and adopted by Parliament; and several acts were soon passed—not, indeed, without much opposition, as to their injustice and impolicy, from several distinguished statesmen in England—subjecting the inhabitants of the colonies to heavy taxes, in the form of imposts, and duties on merchandize. These acts occasioned great discontent among the people of Massachusetts,\* and excited a spirit of inquiry as to their charter rights, which they had long enjoyed and exercised; and a consequent resolution, adopted, not without much consideration, to support their civil liberties, as freemen and as British subjects, to the last extremity, and at the hazard of life itself.

The commencement of this dispute in 1764, and the incipient measures of the British administration, founded on their claims to make laws and levy taxes on the people in America, without the consent of the colonial legislatures, are briefly noticed by MIXOT, whose history of the province is brought down to this period. But the controversy was continued, with very little abatement, and with great ability and zeal, until the war of the revolution, in 1775. He has stated the concern and alarm which were occasioned by passing the sugar act, early in 1764, by which a high duty was levied on that article imported into the colonies, and provision made for the strict execution of the law; and by the proposition for a stamp act, by which a large amount was to be raised for the British treasury, from all classes of people; as all would need the papers and documents liable to this duty. These measures were extremely unpopular: They were openly and explicitly reprobated; the stamps were every where refused;† and the offi-

\* A spirit of dissatisfaction and alarm prevailed also in most of the colonies at this time.

† A ream of bail bonds *stamped* was £100; of common printed ones before, £15. A ream of *stamped* policies of insurance was £190, common ones, without stamps, £20.

cers, who were to distribute them, were grossly insulted. These overt acts of opposition were, indeed, condemned by the more intelligent part of the citizens. Yet the most sober and reflecting even, who were friends to civil liberty, hesitated not to denounce the revenue laws as oppressive and unjust, as well as impolitic. Such was the opinion of the citizens of Boston, solemnly and deliberately adopted in May, 1764; and of the legislature in June and November of the same year.

There was, however, about this period, early in 1765, some evidence of hesitation in the conduct of the British administration, either from a doubt of the justice or present expediency of the proposed system of taxation, from the respectable opposition in England to the plan, or because of the irritation produced in Massachusetts, by some attempts to enforce it. The ministers proposed, that the colonies, by their own legislative authority, should raise the sums required. But as this proposal involved an uncertainty, whether the sums needed, would be raised, it was abandoned as inefficacious. It would, in effect, be no more than a recommendation to the colonies. And though they had usually complied with the requisitions of the crown, to raise money and men, for the service of the kingdom, they had, on some occasions, declined it; thus exercising a right to judge of the necessity of the requisition, and of their ability to fulfil it. With a view to obviate the objection against being taxed by the British Parliament, it was also suggested by ministers, that the colonies might be represented in that body. But the people of Massachusetts believed that a real and just representation of the feelings and interests of the colonies would be impracticable. Nor is it probable that the ministry supposed such a measure could be easily effected.

It was soon evident, however, from the conduct of the British administration, that the plan of taxing



the colonies by Parliament was not relinquished, and would not long be delayed. The stamp act, which was passed in 1765, was indeed repealed early in the following year, in consequence of the great opposition to it in Massachusetts and some of the other colonies, and of a conviction in ministers that it would not prove a productive source of revenue. But a solemn and express declaration was made by Parliament, "that they had a right to tax the colonies, and to legislate for them in all cases whatever." And thus the discontent, which had been otherwise removed by the repeal, was increased by this alarming assumption of power. Nothing could be more contrary to the views and feelings of intelligent Americans, who had a just value for civil liberty. Nothing could be more repugnant, in the estimation of the patriots of that period, to the powers granted to Massachusetts by her charter, and always exercised from the first settlement of the country.

To give a just view of the controversy between Great Britain and the colonies, which involved the liberties of America, and eventually produced national independence, it will be necessary to state more particularly the proceedings of the people and of the legislature of Massachusetts, in 1764, and the early part of 1765. Although MINOT has brought down the history of the province to this date, he has not stated the arguments advanced by the able patriots of that period so fully as may be necessary ; especially, as the dispute then assumed a more serious character, and the political doctrines and principles then asserted laid the foundation of the revolution, which took place in 1775. Had his life been continued, he would, no doubt, have given a more complete view of the controversy at this early period. At this date, his invaluable history of Massachusetts was discontinued by his sudden death, and left unfinished.

## CHAPTER II.

Proceedings of Boston—Instructions to their Representatives—Otis' Rights of the Colonies—Supremacy of Parliament—Some of the Council under influence of governor Bernard—General Court write their agent in England—Services of Massachusetts in former wars—Character of Bernard, Hutchinson, Otis, Bowdoin, Hawley and Dexter—Correspondence with other colonies—People intelligent—Clergy learned and patriotic—Governor proposes increase of military force, which the House declined—Plan for stationing British troops in the colonies—Meeting of Court in November—Petition to Parliament—House more explicit than council—Committee to write other colonies—Council and House unite in petitions—Population, trade and fishery, &c.

AS the first opposition or denial, which was formally and deliberately expressed, of the novel claims of the British Parliament to the entire control and government of the colonies, and to an authority to impose taxes on and legislate for them in all cases, without their voice or consent, were the proceedings of Boston, at a town meeting for the election of representatives in May 1764, it will be proper here to refer to the opinions and arguments advanced on this occasion. It was the first public measure, adopted by a portion of citizens, intelligent, loyal and patriotic, legally assembled, in a series of efforts, for which Massachusetts was distinguished, and which served to shew to America and to the world, that the claims of the colonies were reasonable and just. The revolution, effected eleven years after, was the consequence of resolutely maintaining the important political principles expressly asserted at this meeting.

It is true, indeed, that the colonial legislatures had always claimed the right of self-government, to a certain extent.\* On various occasions, the General Assembly of Massachusetts had asserted and exercised such authority. But, in the early days of their settlement, the people were unable to support their claims. And, in later times, the British Parliament had not attempted to interfere with their internal concerns, and had not so fully assumed the right to legislate for them. No occasion, therefore, had occurred, which demanded such an explicit avowal of colonial rights and privileges. There had been no formal and direct discussion of the separate power of Parliament and of the colonies, where it had interfered. The commands of the king were readily obeyed; nor was his right to suspend or annul any law of the province, according to a provision in the charter, ever disputed. The supremacy of Parliament even, in the last resort, seems to have been acknowledged. And yet the government of Massachusetts exercised such a measure of authority, as shewed they did not consider themselves subject to the statutes of the British legislature, or to the direc-

\* The several charters of the New-England colonies, which were a grant from the king, of the territory, claimed by him on account of prior discovery, contained clauses giving legislative powers to the assemblies of the people by their representatives: and the practice, under these charters, for a long time, was a perfect exercise of legislative authority in each colony. The doings of Commissioners sent over by Charles II. in 1664, to settle disputes between individuals and the colonies, were not acknowledged in Massachusetts. To the arbitrary government of *Andros*, when all power was taken from the people, as was attempted in 1774, they were obliged to submit for a short period. But they never ceased to protest against his authority as a usurpation. On receiving the new charter in 1692, the General Court adopted and published certain resolutions, in which they claimed the sole and exclusive right to levy taxes, rates, aids, &c. In 1728, Governor Burnet insisted, that the General Court should grant him a fixed and permanent salary; and shewed the instructions of his royal master to that effect. But the House of Representatives refused; and asserted that they were the sole judges in voting the money of the people for public purposes; and that they should grant such sums, and in such manner as they should consider just and reasonable.

tions of ministers, without a concurrent act by the General Assembly of the province.\*

The inhabitants of Boston, who this year, elected four of their distinguished citizens† to represent them in the popular branch of the legislature, addressed them as follows. “By this choice, we, the freeholders of the town, have delegated to you the power of acting in our public concerns, in general, as your prudence shall direct you; reserving to ourselves the constitutional right of expressing our minds, and giving you such instructions upon particular subjects, as at any time we may judge proper. And we take this opportunity to declare our expectations from you—That you will constantly use your power and influence to maintain the invaluable rights and privileges of the province; as well those rights which are derived to us from the royal charter, as those, which, being prior to and independent of it, we hold, essentially, as free born subjects of Great Britain—That you endeavour, as far as possible, to preserve that independence in the House of Representatives, which characterizes a free people; and the want of which may, in a great measure, prevent the happy effects of a free government: that you use your endeavours to have a law passed, whereby the seats of such persons as accept posts of profit from the crown, or the governor, while members of the House, shall be vacated, agreeably to an act of the British Parliament: That you provide for the honourable maintenance of the judges of the land, so long as they shall devote themselves *wholly* to the duties of their office‡—That, as the province lies under a grievous burden of debt, on account of the late war, you consent to no expense, but what is absolutely

\* On several occasions, acts of Parliament, which referred to the province, were confirmed by the General Court.

† Tyler, Otis, Cushing and Thacher—Tyler was chosen into the council, and T. Gray was elected in his room.

‡ Several of the judges were then members of the council, which, even at this early period, was thought improper.

necessary to maintain the garrisons on our frontier, considering we are now in a state of profound peace—That you make it the object of your attention to support our commerce in all its just rights, and to vindicate it from all unreasonable impositions. Our trade has long been embarrassed; and it is with great concern we see further difficulties coming upon it, which will virtually obstruct and ruin it. We cannot but express our surprise, that, when early notice was given, by our agent, of the intentions of the ministry to burden us with new taxes, so little regard was paid to this most interesting subject; that the Court was not even called together to consult about it. The consequence was, that instructions could not be sent him till the evil was beyond a remedy. There is now no room for delay. We, therefore, expect you will use your earliest endeavours, in the General Assembly, that such methods be taken as will effectually prevent these proceedings against us. By a proper representation, we apprehend, it may be easily made to appear, that such severities will prove detrimental to Great Britain herself; on which account, we hope the act,\* if already passed, will be repealed. Our trade centres in England; and, in return for manufactures, affords her more ready cash than can justly be expected from the act proposed. But our greatest apprehension is, that these proceedings may be preparatory to new taxes: For, if our trade may be taxed, why not our lands? Why not the produce of our lands, and every thing we possess or use? This, we conceive, annihilates our *charter* rights to govern and tax ourselves. It strikes at our British privileges; which, as we have never forfeited, we hold in common with our fellow subjects, who are natives of Britain. If taxes are laid upon us, in any shape, without our having a legal representation where they are laid, we are reduced from the char-

\* The sugar act, passed February 7, 1764.



acter of free subjects to the state of tributary slaves. We, therefore, earnestly recommend it to you to use your utmost endeavours to obtain, from the General Court, all necessary advice and instruction, to our agent, at this most critical juncture—that while he is setting forth the unshaken loyalty of this province, its great exertions in supporting his majesty's government and rights, in this part of his dominions, its acknowledged dependence upon and subordination to Great Britain, and the ready submission of its merchants to all just and necessary regulations of trade, he may be able, in the most humble and pressing manner, to remonstrate for us all those rights and privileges which justly belong to us, either by charter or birth. We also desire you to use your endeavours that the other colonies, having the same interests and rights with us, may add their weight to that of this province; that by united application of all who are aggrieved, all may obtain redress.”\*

The representatives of Boston were fully disposed to attend to these instructions—to remonstrate against the claims of Parliament for taxing America, and to vindicate the rights guaranteed by charter, and enjoyed by all Englishmen. A large majority of the General Assembly cherished the same patriotic views. The alarm had been given, by recent intelligence of the intentions of Parliament to subject the colonies to an arbitrary tax, in addition to that which they saw fit to lay on themselves; and a watchful spirit was abroad, to guard the rights and liberties received from their fathers. A statement was made and presented to the General Court, by Mr. OTIS, one of the representatives of the town of Boston, of the rights of the colonies generally, and of Massachusetts in particular; founded on declarations in the charter, ancient usage, the principles of *Magna Charta*, and of the natural and unalienable rights of man. This

\* An early suggestion of the necessity of the united efforts of the American colonies.

statement was approved by the House of Representatives, and ordered to be forwarded to their agent in England. Instructions were also prepared and sent him, by the Assembly, at this time, requiring him to exert himself in defence of the rights of the province, in accordance with the opinions and views above expressed.

These were measures of the House of Representatives only. They declined acting with the Council on the subject. For, although many of that body were highly patriotic, a majority of them were so much under the influence of GOVERNOR BERNARD, and Mr. HUTCHINSON, then Lieut. Governor and Chief Justice, that they would not have approved of the manner in which the House spoke of their rights, and of the claims of Parliament. And it will be seen, that when the House of Assembly and the Council acted together on these subjects, in November of this year, and when there was reason for greater decision, the expression of their opinions, owing to the influence of the Council, was less decisive and explicit.

In their letter of instructions to the agent, the representatives complained, that, by his silence, when the late measures of administration were adopted for raising a revenue in the colonies, he seemed to have tacitly acknowledged the right of Parliament to impose duties and taxes upon them; which, they observed, should never be conceded, as they were not represented in the British Legislature; it being a fundamental principle of the British constitution, 'that the subject could not be taxed without the consent of his representative.' They also referred to the services of the province in the late war, which had been very important to the whole kingdom, and had involved them in a heavy debt—They stated, that this colony had defended itself from its first settlement, with very little aid from England: And they insisted that they should be reduced to slavery.

if the British Parliament, in which they could have no voice, might tax them at its pleasure—They complained of the rapid manner in which laws were passed in Parliament, affecting the property and liberties of the people in the colonies; which rendered it impossible to be heard, by remonstrance or petition. They alluded, with suitable disapprobation, to the proposal of ministers to allow the colonies to tax themselves for the amount required, in which they could have no freedom of judgment: And in noticing the argument in favor of the right of Parliament to levy taxes, drawn from the practice of sometimes prohibiting or restricting trade, which they considered should be seldom resorted to, they denied the conclusion; and contended, that the right of taxing the subjects by their representatives was the grand barrier of British liberty—“And though a people might be free and happy without a particular branch of trade, they could be neither, if they had not the privilege of assessing their own taxes.”

In the statement of the rights of the colonies, which the House of Assembly approved, and directed to be sent to their agent in England, as expressing more fully than their letter of instructions, the powers and privileges claimed by the people in Massachusetts, and the arguments by which these claims were supported, the supremacy of Parliament was fully admitted; and it was conceded, that there must be a supreme authority in all governments; as this was essential to prevent anarchy and to preserve order in society. But it was at the same time contended, that this supreme authority was not arbitrary and despotic, in the British government; but was limited and controled, not only by the great axioms of reason and justice, but by the constitution, which defined the powers of Parliament, and declared the object for which government was established; the good of the citizens, or subjects: and thence was deduced the right of the people to examine and



judge of even acts of the supreme legislative authority; to disapprove, to petition and remonstrate; to alter their form of government: And in extreme cases, it was asserted, a radical change would be justified. The declarations of *Magna Charta* and the principles advanced at the revolution of 1689 were referred to, as proofs, that the people of England claimed and had exercised such power. And it was further stated, that men had original and natural rights; that all just governments were founded for the good of the people, and must be consonant to their views—That rulers were only public agents, to whom power was delegated for the security and liberty of the whole; and that whenever power was abused to purposes of tyranny and oppression, the subject was released from the obligations of obedience, and might rightfully oppose.

The reasons given by the Parliament and people of England in 1689 for throwing off the government of James II. and inviting the Prince of Orange to the throne, were distinctly stated, and urged as affording support to the principles contended for in the memorial. And it is remarkable, that many charges made against James\* of arbitrary conduct, were similar to those preferred against George III. by the people of America, in 1774. The natural and original rights of the people were particularly insisted on; yet so modified and defined, as to guard against all licentiousness and insubordination; and to justify opposition to government only when measures, highly oppressive and essentially injurious to the liberty of the subject, were attempted to be enforced. and all arguments and remonstrances should have been ineffectual. The strongest expressions of loy-

\* He was charged with assuming power to suspend laws without consent of Parliament—levying money without a legislative act—raising a standing army in time of peace, at his own will and that of his ministers—and quartering them upon the people contrary to law—violating the freedom of elections, and giving judicial courts the powers of legislation.

alty were used, and no doubt with great sincerity; and all views of independence utterly disclaimed. The writer was also careful to fortify his statement by referring to the reasoning of Locke on civil liberty. But this, though it might give weight to his arguments with the advocates of free governments, would not produce conviction in those who were disposed to support an administration in the exercise of arbitrary power.

As in the letter of instructions to the agent, there were contained in this statement also, allusions to the past services of the province; to their own separate debt, for the payment of which it was necessary to provide; to the constant expenses of supporting their own government; and to the probability of forcing the people in the colony to discontinue all importations from Great Britain, and to manufacture their own goods; which would operate unfavorably to the trade and prosperity of the parent state. But these were urged as minor considerations, compared to the all-important one of the right, as Englishmen, derived to them by charter, by usage, and most of all from nature and the Author of nature, of which no authority could justly deprive them, to legislate for themselves, and to decide as to the mode and the amount of taxes to be levied, and the objects to which they were to be applied. This indeed was the gist of the dispute.\* The patriots of Massachusetts

\* The editor of a volume published in England, in the beginning of the war of the Revolution, with the title of 'Prior Documents,' and which has been often quoted by those who have undertaken to give a history of the controversy between Great Britain and the Colonies from 1765, &c. asserts, "that the great dispute, which led to independence, was occasioned by the determination of Parliament to enforce the laws against smuggling." It is true, that, in consequence of the very high duties on imported goods, there were attempts to evade the revenue acts, as has been the case in all countries: and, that great severity was exercised, in several instances, in executing the laws on this subject; which was the cause of complaint. But one must be totally ignorant of the sentiments, the writings and the proceedings in Massachusetts for ten years before the war, not to know, that the contest was as to the *right* of the British Parliament to levy taxes, and legislate for the people in the colonies, who had no voice in assessing the taxes or enacting the laws.

uniformly contended for this right. The claims and the acts of Parliament were in violation of it; and the advocates of the ministry expressly denied it. This claim was clearly stated and ably supported by a variety of arguments in the paper above mentioned. And the doctrines and principles therein advanced were recognized as correct in all the subsequent stages of the controversy. The declaration of Independence acknowledged them: The constitution of Massachusetts is only a more extensive recognition of their truth and importance.

The distinguished individuals who were the most active, and who had the greatest influence in this important controversy, were governor BERNARD and Lieut. governor HUTCHINSON, on the side of administration; and JAMES OTIS, JAMES BOWDOIN, SAMUEL ADAMS, JOSEPH HAWLEY, JOHN ADAMS, JOHN HANCOCK, JOSIAH QUINCY, and SAMUEL DEXTER, in support of charter rights, and of the liberties of the people. Governor BERNARD was educated a lawyer. He was an accomplished scholar and a man of talents. His style of writing was pure and forcible. But he was not qualified to be popular among a people like those in Massachusetts, who were averse from the parade and trappings of power, and greatly attached to civil liberty. He was a warm advocate for the supremacy of Parliament, and the prerogatives of the king; and could not endure any opposition to his own opinions and measures. In his temper, he was ardent, and in his manners frank and open; nor did he generally attempt to disguise his sentiments from the public. His warmth of feeling, and his zeal for what he considered the rights of the crown, betrayed him sometimes into extravagant and intemperate expressions, which neither prudence nor decorum could justify. His opponents took advantage of this infirmity; and triumphed in his undignified precipitancy.

HUTCHINSON was cautious, subtle and ingenious. There was a plausibility in his manner, which captivated ordinary minds; a coolness, which gave him a superiority over the ardent and impetuous; and so much of sophistry in his reasoning as to confound those who were not able and discriminating logicians. He professed great regard for religion and its ministers, and was highly esteemed for his exemplary piety. At this period, he had been long in public life, and knew much of human nature. He had been many years Chief Justice of the Superior Court in the province, and Judge of Probate for the County of Suffolk. His learning, his talents, and his habits of business, made him very respectable; and, perhaps, no one had more influence in the government, at the commencement of the controversy with Great Britain. But he was ambitious; and disposed, therefore, to conciliate the good will of the British administration. He was ready, in all cases, to justify or to apologize for the acts of Parliament and the orders of the ministry. He might have believed, that any opposition to government, was both improper and impolitic. For who is above all influence of interest or prejudice!

In the early stage of the dispute, however, HUTCHINSON seems to have assented to the doctrine, long held as correct and important by the people of Massachusetts, that the legislative assemblies had the sole right to lay *internal* taxes. He acknowledged also, that acts of Parliament for regulating trade and raising a revenue for Great Britain from the commerce of the colonies, was impolitic, though he did not deny their constitutionality. It was apparent, that he was desirous to keep in favor with the administration; and was disposed, rather to acknowledge these exemptions from taxation by Parliament, as privileges, than to assert and claim them as a right.

For several years, in the early period of the controversy, JAMES OTIS, one of the representatives



from Boston, may be justly ranked foremost in that patriotic band, who ably asserted the rights and liberties of the people. He possessed great strength of mind, and great decision and energy of character. By the study of the law, he had acquired an extensive knowledge of the subjects of legislation and politics. And he was well read in history; especially that of England, in all the periods and changes of its government. As a public speaker, he was distinguished for a facility and copiousness of expression, and for a powerful, captivating eloquence. He had not, indeed, the calculating prudence which most politicians deem necessary; but pursued the strait-forward course, which was dictated by a high sense of duty and an ardent love of country.

Mr. BOWDOIN was one of the Council at this period. He had less ardor than OTIS; but was an able and decided advocate of the rights of the province. His studies had been more of a philosophical cast, and he had also been engaged in mercantile pursuits. But he was a man of general literature, and had acquainted himself with the nature and principles of civil government. His talents, his principles, and his services, were highly appreciated. If he was not apparently so zealous and resolute as some others, yet he was steady and persevering in his conduct. He was too wise and too independent to be the dupe of BERNARD and HUTCHINSON; and though not among those who were the most obnoxious to them, he early opposed their ambitious measures, and soon became subject to their bitter resentment.

JOSEPH HAWLEY was an eminent lawyer, and a zealous friend of liberty. He was more like OTIS in his great ardor of feeling; while Mr. DEXTER, a gentleman highly respectable for his education, his talents and patriotism, might be likened rather to BOWDOIN, for his moderation and uniformity of conduct. Not that they ever halted or relaxed in their

exertions for the support of colonial rights. And while the dispute was conducted by reasoning and argument, they were equally useful with the more ardent and zealous. THOMAS CUSHING and OXENBRIDGE THACHER, representatives from the town of Boston, are also to be ranked among the active and able asserters of civil liberty at this critical period. They had great influence in the legislature; and THACHER wrote with much ability in favor of colonial privileges, which were then considered as sacred and unalienable rights.

SAMUEL ADAMS, JOHN HANCOCK, JOHN ADAMS, JAMES WARREN, and JOSIAH QUINCY, were not members of the legislature, nor concerned in the government, at this time. But soon after this period, we shall find them chosen by the people to be the defenders of their liberties; and we shall see with what ability and zeal they fulfilled the expectations of the public. There were many other intelligent, active and ardent patriots, among the representatives, as well as in the private walks of life, in the province, who by their conversation and writings, on all proper occasions, contributed their influence to maintain the rights of the colonies, in opposition to the claims of Parliament; and who had a great share in the resolute stand which was then made for the preservation of civil liberty. It may be justly observed, also, that the people of Massachusetts, generally, were well informed as to their political rights; and gave a ready and cordial support to the patriotic measures adopted by their representatives. Most of the clergy were decided and explicit in favor of the rights of the people. They were active in giving their fellow-citizens correct views of the dispute then agitated: and frequently, on public occasions, subsequently to this period, stood forth as the able advocates of civil liberty. CHAUNCY, and MAYHEW, were men of great talents and extensive erudition; and were warmly attached both to political and religious freedom.

At this session, (June, 1764) a committee was appointed by the legislature, as recommended by the citizens of Boston, and four of whom were representatives of that ancient town, to write, in the recess, to the other colonies and acquaint them with the instructions they had given to their agent in England, to exert himself for a repeal of the sugar act, and to prevent the proposed stamp act, or any other impositions and taxes, on the provinces; and to request the several assemblies to adopt a similar measure. This was an important proceeding. It shews the alarm which prevailed in Massachusetts, and the deep sense entertained of the value of ancient rights, which it was necessary to preserve, if they would continue a free people. And it must have had the effect to rouse the citizens throughout the colonies to a solemn consideration of the evils which threatened, and to the adoption of united efforts to avert them.

At the opening of this session, the Governor recommended to the Assembly to make provision for increasing the forces in the garrisons on the eastern frontiers: And by two special messages afterwards, urged the augmentation of those establishments. But the House of Representatives declined making the provision desired; stating that they did not conceive it necessary to add to the military force in any part of the province, since peace was restored and no attacks from the Indians were to be apprehended; and that the taxes were already great upon the people, in consequence of the expenses of the late war. This is an evidence of the independence of the Assembly, to a certain extent; and of their competency, solely, to judge of the expediency of measures involving expenses to the people, though proposed and recommended by the agents of the crown. Nor does it appear, that this decision of the Assembly, contrary to the opinion and views of the Governor, was considered as novel, or condemned as unjust. It was, in fact, agreeable to former usage in

similar cases. The representatives of the people had always claimed the privilege of deciding on measures necessary for the protection and defence of the province, and on the manner of raising money to meet the expenses which such measures occasioned. And, hitherto, they had not conceived that they could be justly required to contribute to the support of the separate government of England, or to bear the burden of taxes growing out of wars for the defence or glory of the parent country. They had never before been called upon to do it.

The people of the province were also, at this time, alarmed by a plan of the ministry to keep a standing army in America, with the pretence of guarding and defending the frontiers; but more probably with a view, as apprehended, to enforce the execution of unjust and unpopular laws then in contemplation. If such a plan was proposed at this period, it was soon relinquished, or postponed to a future day. The measure, however, was revived a few years after; and with great propriety, was enumerated among the grievances suffered, under an arbitrary administration.

During the recess of the legislature, from June to October, the members became more fully acquainted with the views and feelings of their constituents. The claim set up by Parliament of their right to tax America, was generally a subject of discussion with intelligent men through the province. The alarm had been given by the town of Boston; and the sentiments expressed by the Assembly were almost universally approved.\* Much was published in the

\* The pamphlet attributed to Mr. Otis, stating the rights of the colonies in general, and of this province in particular, was published in June, and had an extensive circulation. It was believed, that S. Adams assisted in preparing this able Statement, and that he was one of those who originated the instructions given by the citizens of Boston, to their representatives, before mentioned. From this pamphlet the people derived correct views of their rights, and a just sense of their value, which they never ceased to cherish and maintain.



newspapers of the day. And at this early period, it was openly contended, that the colonists had the exclusive right, by charter and as British subjects, which they had hitherto exercised, of taxing themselves—that taxation and representation must be united, wherever civil liberty was enjoyed—And that it would be impossible to have a proper representation from the province in the Parliament of Great Britain. There were some, indeed, at this time, who, desirous of being in favor with the administration, did not so fully deny the authority of Parliament to levy taxes on the people in America: But even these admitted, that it would be injurious both to the liberties and prosperity of the colonies. Though only one article imported was made liable to a duty, another tax was proposed which would operate more directly on the people—And it was justly said, not only that these would be very oppressive, in addition to taxes necessary for their own expenses in supporting government and for the payment of the debt of the province; but, that other and greater taxes might be imposed, which would serve to keep the people in poverty and subjection. It was the principle involved in this conduct of administration, at which they were alarmed; and which they were concerned to shew was unconstitutional, and contrary to all former usage.

Governor BERNARD, who was well acquainted with the public sentiment, and was sensible of the great excitement produced in the province by the late measures of administration, postponed the meeting of the Assembly to a later day, than that, to which it had been prorogued; probably with a design to prevent all occasion for discussion in the legislature, and with the hope of receiving intelligence from England, which would serve to allay the general ferment. When, after considerable delay, he convened the representatives of the people, he studiously avoided introducing the subject, which he must have known

was uppermost in the minds of the Assembly, and most interesting to the people. But this did not prevent their deliberations in reference to the policy and measures of the parent country, which had excited such general alarm. The patriotic members of the legislature needed no promptings from a royal agent, who they knew had little regard for the liberties of America. They had not come together to receive instructions how they were to guard the rights of the province. They possessed the high feelings and spirit of their ancestors. They believed that they had a right to be free: and were determined to omit no efforts to remain so. Not that they then meditated war or separation. They did not consider either to be necessary. But they were prepared to shew, that they knew and valued their civil privileges, and were ready and able to vindicate them. They believed that the present pretensions and impositions of ministers were unjust; and, if resolutely opposed, would soon be withdrawn: And that the regard for civil liberty was so great in England, that neither the people nor the government would justify such arbitrary measures. The event will shew, indeed, that in this they were mistaken. We shall see that the rulers of England, that boasted land of freedom, forgot right and resorted to force in the contest—That in their conduct toward the American colonies, they departed from the great constitutional principles, which they professed to venerate; and thus absolved three millions of loyal subjects from their allegiance to the British government.

On the first day of the session, several letters were communicated by the Speaker, to the House of Representatives, from their agents in England, relating to recent measures of administration, with reference to America. The House immediately went into committee of the whole, to consider them, and unanimously agreed to present an address to the king in

Parliament, respecting the state of the province. A large committee, of which Mr. OTIS was chairman, was then appointed to prepare one accordingly. Three days after, an address to the King's most excellent Majesty, the Lords Spiritual and Temporal, and the Honorable House of Commons, in Parliament assembled, was reported and accepted; and then sent to the Council for their concurrence. But that Board did not concur in the measure; and chose a committee of seven, the chairman of which was Mr. HUTCHINSON, to confer with a committee of the House on the subject. This proposition was agreed to in the House, and a committee, consisting of eight, was appointed on their part. The address prepared by the House, and disapproved by the Council, was much more explicit and decided, in asserting the rights claimed for the colonies, than the one adopted jointly by the House and the Council, which was originally drawn up by HUTCHINSON. The address finally adopted was of the nature of a memorial to the House of Commons of Great Britain; and the committee of conference was several days engaged on the subject, before they reported. The Council approved of the memorial; but a majority of the House of Representatives was dissatisfied. They proposed various alterations, which gave a more decided character to the address, and which went to shew, that they claimed as rights what the Council prayed for as privileges, depending entirely upon the will of Parliament. Some of these alterations were agreed to in the Council;\* and the memorial spoke a language more worthy of freemen than its original draft—Yet was not altogether in that firm

\* These were not allowed, however, till after repeated votes of the House to adhere to them, and a second committee of conference was chosen for the purpose of uniting on some common ground of opinion and representation. The petition, as passed in the Council, referred to the oppressive acts of Parliament for raising a revenue in the colonies, merely as a grievance, and as a burden, which it would be impolitic to enforce or continue—and addressed the *favor* of government for the

and manly tone, which would have justly expressed the sentiments of the majority of the House. This was chiefly owing to the influence of Mr. HUTCHINSON, then the oldest member of the Council, who was disposed rather to support the prerogatives of the crown, and the arbitrary measures of Parliament, than to vindicate the rights of the province.

The memorial stated, that the act passed at the late session of Parliament, granting certain duties in the colonies, imposed heavy burdens on the people, which, it was believed, would not have been laid, if the state of the colonies had been fully known—that the duties laid on sugars, &c. by an act of 6th of George II. would have had the effect of an absolute prohibition, if it had been strictly executed—that the same effect would be produced by the act recently passed; that the restrictions on the exportation of fish, lumber, &c. by which they were allowed to be carried only to the kingdom of Great Britain, would greatly affect the trade of the province, would prevent the clearing and cultivating of the lands, would deprive many of the people of their usual employment, and lessen the number of seamen—That the powers given by the act, to courts of vice-admiralty, would authorize the greatest oppression and injustice; as it was not made necessary to try those suspected of illicit trade in the port or colony where the seizure was made, and trial might be ordered in any distant place, where it might be for the interest of a corrupt or arbitrary judge to direct; and no remedy was provided for costs and expenses incurred by the accused, in case of acquittal: That every thing was to depend on the opinion of the judge, interested as he was to seize and condemn;

enjoyment of former privileges, rather on the score of indulgence, than as matter of right, which they might justly claim and demand. By the firmness of the House, the language and tenor of the petition were improved, by inserting the words 'rights and liberties,' in addition to the term 'privileges;' which was the strongest the Council chose to use.



the privilege of a jury in these trials not being permitted—That every act of Parliament, which, in this respect, distinguished his majesty's subjects in America from those in England must create deep concern—That, while they gratefully acknowledged the tenderness of the British legislature, of the liberties and privileges of the subjects in the colonies, in allowing them, heretofore, to judge by their own representatives, as to the way and manner internal taxes should be raised,\* they trusted the colonies had so demeaned themselves as to merit the continuance of the rights and privileges hitherto enjoyed—They also stated their inability to pay the duties required by the sugar act, and such as were proposed to be added by the stamp act; and at the same time to discharge the debt of the province, and to contribute to the annual support of their own government—That the colonies would be much impoverished by these duties, and the prosperity of Britain herself be thereby impeded, as there would be less demand in the colonies for her manufactures—They, therefore, humbly prayed “to be relieved from the burdens imposed by the late act of Parliament; to have their privileges, especially as to internal taxation, continued to them; or to have the execution of the laws already passed and of those in contemplation for raising a revenue in America, suspended, till the province in conjunction with the other governments in North America, could have opportunity to make a full representation of the state and condition of the colonies and of the interest of Great Britain with regard to them.”

The petition to the House of Commons was accompanied by a letter from the Council and Assembly to their agent in London, in which an opinion of their

\* The House proposed an amendment here, by which they asserted this as a *right*, belonging to all British subjects, which they gloried in being esteemed, and which the royal charter declared them to be. But the Council objected.

sole right to lay taxes is more fully expressed. This can be accounted for only on the supposition, that the Council were apprehensive of giving offence to the administration in England. For the letter was prepared the same day and by the same committee as the petition. In this they observe, “that the burdens brought upon the colonies by the late act of Parliament will affect this province more than any other—that they had prepared the representation and petition to the House of Commons, upon a suggestion of a member, that such a memorial would probably procure relief—that they had endeavoured not to give offence, and had so spoken of their rights, as that no inference could be drawn, either that they had given them up, or that they set up in opposition to Parliament, and deny that they are bound to the observance of its acts—But that in a letter to him, they may be more explicit.” They then declare, “that the people of the colonies have undoubtedly a *right* by charter, to tax themselves—that so far as Parliament should lay taxes on the colonies, so far they would deprive them of this right—and that had not the first settlers of this province imagined themselves as secure in the enjoyment of this right as of their title to their lands, they probably would never have left England, and no colony would ever have been settled.” They proceeded to argue, “that should it be said, acts of Parliament are above charters, and can annihilate them, it would be admitted.\* But that one act of Parliament could as well repeal and annihilate another; and that however sacred the articles of the union with Scotland

\* Though Parliament had the power, would it be conceded that it had a right to vacate a grant or annihilate a law, which was of the nature of a contract, (and such was the charter of Massachusetts) but upon charge of violation, or non performance of conditions on the part of the grantees? This was not admitted in a later period. Had it been, we should not have had just cause for forcible opposition. In this very letter, below, such an act of Parliament is said to be unconstitutional; and, therefore, it would seem, not binding.



might be deemed, an act of Parliament might infringe them—and that, perhaps, there would be no greater ground of complaint, in that case, than when the charter rights of the colonies are infringed; certainly, not greater, than when what are deemed the fundamentals of the English constitution are changed, with respect to any considerable portion of the subjects. Such fundamentals, we deem the right of being taxed by our own representatives *only*; and the right to trials by juries. It is granted, that the authority to appoint courts of admiralty is reserved by the charter to the crown—But it is also remembered, that all seizures for illicit trade are tried in the exchequer in England by juries—and we have no reason to suppose, that our ancestors, when they accepted the charter, expected the powers of courts of admiralty would be extended beyond what they are in England.” The letter goes on to state, “that both in point of equity and policy, the province could claim exemption from taxes by Parliament; since the inhabitants had not occasioned any, or very little expense, and yet had added much to the wealth, territory and population of the British nation; and were burdened with the support of government for themselves and the defence of their extensive frontiers: and as additional taxes would distress and discourage the people, and produce great dissatisfaction towards the government of England.”

Much of this statement is in the same timid and cautious style as the memorial to the House of Commons. Yet it contains a full and explicit declaration of the sentiments of the Council and Assembly of the province, in favor of the sole and exclusive right of the legislative authority in the colonies to raise taxes; thus virtually denying the claims of Parliament on this subject. It was the first expression of the legislature of any colony, publicly made on this momentous question, then beginning to be solemnly agitated: And though it was contained in a letter to

an individual, that individual was a public agent, the document was a public one, and was soon published to the world, as expressive of the views and opinions of the patriots of Massachusetts.

In their answer to the speech of the governor, of the same date with the petition to Parliament, though he had barely alluded to their proceedings, at the June session, concerning the late measures of administration in England, the Council and House of Representatives went fully into the consideration of a subject, so deeply interesting and alarming to the citizens of the province. And here too, they made more explicit and spirited declarations respecting their rights, than the memorial contained. They said, they conceived their civil rights and their commercial interests were greatly affected by the late act; and stated, particularly, the great injustice which might be done to individuals by the authority given to the vice-admiralty courts; and the embarrassments and discouragements which would attend the trade of the province, both in fish and lumber, prohibited as it was, with the West Indies, and with Portugal, France and Spain. In the original draft, prepared by a committee of the House, the right of taxing themselves by their own representatives was expressly asserted—It was declared an *essential* one, and that the British House of Commons had ever held such a right sacred, and deemed it the principal barrier of the liberties of the nation—‘And, this right, in a laudable imitation of so great an example,’ they add, ‘the House of Representatives of this province hold equally sacred; bottoming it on the same foundation, that of the constitution.’ But the Council had this clause stricken out.

By a committee of the Council and House of Representatives appointed at this session of the General Court, a statement of the services and expences of the province was made, and soon after sent to their agent in England, for the purpose of shewing the un-

reasonableness of the British government in laying any taxes in addition to those necessarily imposed to maintain the credit and discharge the debts of the colony. As the question of the right of Parliament to tax the people of the colonies was not brought into view in this document, there was probably no difference of opinion in the committee—and it seems to have been unanimously adopted. The design was to show, by a brief reference to historical facts, that the province had ever been ready to comply, to the extent of their ability and resources, with the requisitions of the British administration for aid, in defending the colonies and resisting the encroachments of the enemies of England, in this part of her territory : That, on various occasions, when this province only was in danger, it had defended itself without expense to the parent country—That in the several campaigns of 1755, 1756, 1757, 1758, '59, '60, and '61, it had furnished a large number of men ; and the debt was very great, and would require heavy taxes for many years to discharge—and, therefore, that it was to be hoped the privileges purchased by their ancestors, and which they had not forfeited, would be continued. In the letter accompanying this statement, the committee observe, “ It will appear, that the province has had its full share of the burdens of the British empire ; and that, by its own representatives, it has ever cheerfully submitted to the heaviest taxes it was capable of bearing. The province finds itself greatly exhausted ; and it will be with the utmost difficulty we shall clear the heavy load of debt the last war has involved us in, though no new burdens are brought upon us, and our trade left to its natural course. But if the severe regulations of the late act are continued and new taxes laid on us, these will drain us of our specie, the sinews of trade, and otherwise so distress us, that we shall neither be able to pay the public debt we owe as a community, nor individuals what they owe to the

merchants of Great Britain ; a general bankruptcy, public and private, must ensue.”

On the last day of this session, the House again chose a committee, consisting of five of its members, four of whom were of Boston, to write to the other colonial governments and inform them of the proceedings of the Assembly of this province in relation to the recent acts and policy of Parliament. These various measures are proof of the provident anxiety and watchful patriotism of the representatives of Massachusetts for the preservation of their liberties, which entitle them to the highest praise. Their activity and firmness were equal to their intelligence, and to the ardent love of freedom with which they were animated. It was fit, that they should take the lead in this important controversy : Their resources and population were great ; and much was justly expected of them by the citizens of the other colonies. They did not indeed stand alone in the contest, neither at this early period, nor in any subsequent stage of the struggle for freedom—But their efforts were timely and unremitting, and their decision and perseverance in opposing the arbitrary measures of Britain of most important influence.\*

During this meeting of the legislature, the governor communicated a letter which he had received from the earl of Halifax, one of the secretaries of state in England, in which he says, his majesty was displeased with their declining to raise the men

\* The communications of this committee gave an impulse to patriotic feeling in various parts of America, and led to inquiries and resolutions highly favorable to the interests of civil liberty. The resolutions of the assemblies of Virginia and New-York in December were probably suggested by the circular from Massachusetts. They asserted the exclusive right of the colonies to lay taxes on the subjects within their respective jurisdiction ; although at the same time they declared their loyalty to the King, and acknowledged the supreme authority of Parliament. The declarations of Massachusetts in November 1764 and their letter to the agent in England, at the same time, although not so explicit in claiming the exclusive right to lay taxes, gave great offence to the British ministry, one of whom said it contained principles tending to a denial of the right of Parliament to tax the colonies.



called for by general GAGE for the defence of the western frontier. GAGE, at that time, had command of troops near the lakes; and fearing an attack from the Indians, had called for some new recruits from Massachusetts; but the Assembly judged them not necessary. It was stated in the letter of the secretary, that an additional force would still be requisite. But the House adjourned, without making any provision for raising them; giving as a reason, that the present expenses of the province were very great, and that, in their opinion, the safety of the colonies did not demand such a measure. A reference to this conduct of the House is proper to shew the degree of authority the Legislature claimed and exercised, at the period of which we are speaking.

To give a just view of the importance of Massachusetts, at this period, it may be proper to mention its population, trade, &c. though perfect accuracy is not attainable. A census was ordered in 1763; but, being an unpopular measure, it was imperfectly taken. The result was 245,000; 5000 of which were people of colour.\* The province then contained 13 counties, and 240 incorporated towns. In all these towns, schools were maintained a great part of the year; and in most of them constantly; at which, children of all the citizens were instructed. The college was in a prosperous state, and furnished young men for the different professions in which a learned education was deemed requisite. The clergy, generally, were men of literary attainments and great respectability; and their influence was highly favorable to civilization and good morals.

Manufactures were few. The citizens were chiefly employed in agriculture, navigation and the fisheries. About 300 vessels were employed in the cod fishery, 180 in the whale fishing business, and nearly 100 of mackerel vessels. And all these gave employment

\* It is probable the whole population exceeded 250,000.

to about 6000 people. The amount of exportation from the whaling business was £75,000 sterling—from the cod fishery about £125,000—of pickled fish, the amount exported was also considerable; but is not easily ascertained.

The justices of the superior court of judicature for the province, at this time, were THOMAS HUTCHINSON, chief justice, JOHN CUSHING, PETER OLIVER, CHAMBERS RUSSELL, BENJAMIN LYNDE; and EDMUND TROWBRIDGE was attorney-general. TROWBRIDGE was soon after appointed a judge, and J. GRIDLEY was made attorney-general. Mr. HUTCHINSON, who was also judge of probate for the county of Suffolk, at this time, for special reasons by him mentioned, proposed to resign the office for one year, or that a person might be appointed his deputy; and the Council consented to the request, on condition that the person appointed be approved at the following session of the board. At the next meeting, the lieutenant governor proposed that a judge of probate be specially appointed for the term of one year. The governor accordingly nominated F. HUTCHINSON to the office for that term, and the Council advised to the appointment.



### CHAPTER III.

Session in January, 1765—Expectations of a milder policy—Loyal Declarations of the House—Local Concerns—Insolvent Act—Revenue granted in the name of the King, for the Province—Distinction between internal and external Taxes—Regulation of Trade admitted, but not the laying of Internal Taxes—Authority of Parliament Supreme, yet to be controlled by the Constitution—Altercation between House and Council—and complaint of House of appropriation of money, without law—Forfeiture in Admiralty Courts, claimed by Representatives—Stamp Act passed—Petitions against it from the Colonies not presented—Goods seized on Taunton river—Proceedings of General Court, on passing of stamp act—Convention proposed of Deputies from all the Colonies—Elected in Massachusetts—Convention at New-York, in October, 1765—Their Petitions to King and Parliament.

AT the session of the General Court in January 1765, there was no particular discussion on the subject of taxing the colonies by the British Parliament, which had excited so deep an interest, during the two meetings of the legislature in 1764. Every measure had been already adopted, which prudence or patriotism could suggest, in defence of chartered rights; and the people and their representatives were now waiting, with anxious expectation, to learn the conduct of ministers in England, with reference to the future government of the colonies.

From the statements and memorials which had been sent to ministers, they believed it would be manifest, that neither justice nor good policy would support them in the continuance of measures, so

alarming to freemen and so oppressive to all classes of people in the province. They had reason to hope that the act, which had been proposed for raising money on stamp paper would not receive the sanction of Parliament ; and that the one already in force, imposing high duties on certain articles of importation, would be repealed.

In his communication at the opening of the session, the Governor congratulated the Assembly on a settlement of disputes with the Indians, both on the western frontiers near the lakes, who after the treaty of peace between England and France, had manifested a hostile disposition ; and in the eastern parts of Maine ; and on the determination of the French and Spanish governments to prevent all depredations on commerce, which had also been a cause of complaint. He likewise referred to the measures adopted at the former meeting of the General Court when they stated their grievances to Parliament : and admitted that their proceedings were loyal, prudent and moderate, though it was a time of difficulty and excitement. The joint reply of the House and Council was in the same good spirit : highly courteous and respectful to the Governor, but firm and independent. “ We agree with your excellency,” they say, “ that the times are difficult ; but we hope they are not times of distrust. We distrust not the wisdom and goodness of Parliament ; having, with the colonies in general, often experienced the happy effects of both. On the same wisdom and goodness, next to the Supreme Being, we still rely. As that respectable body has power, we humbly trust their wisdom and goodness will exert it, to remove the embarrassments, to which the difficulty of the times is owing.”

The attention of the General Court was chiefly directed to the local and internal concerns of the province. Various acts were passed, confirming grants of lands to individuals, incorporating new towns, regulating the fishery in several rivers ; such as had

usually occupied the time of the Assembly, and such as the growing population required. An important law was enacted at this session, for preventing fraud in debtors, and for securing the effects of insolvent debtors for the benefit of their creditors ; by which it was provided, that a justice of the superior court might order the seizure of all the property of an insolvent, who should abscond, or be concealed, so that the same might be held for the benefit of all the creditors, and thus an inequality prevented in the distribution of it, which, as the former law was, often existed, in consequence of the attachment by only a part of them. And it was also provided, that a majority of creditors should have power to give a certificate to an insolvent debtor, on delivery of his whole property under oath, so that his body should be free from arrest by others. This law was repealed a few years afterwards, on account of abuses and evasions, occasionally made by individuals. But it shews a disposition in the legislators of that period, to ameliorate the severe practice of confining a man in prison, like a felon, merely on account of his poverty. When will those who make laws for their fellow men, imbibe so much of a humane and Christian spirit as to distinguish between crime and misfortune, and see the impolicy and injustice of placing a poor man in prison, where he is deprived of his natural liberty and prevented from contributing to the support of his family or friends !

It is important also to refer to the two following acts, which were passed at the present session ; one granting to his majesty an excise upon distilled spirits, and wine and some other articles—The other granting to his majesty several rates and duties of import, and tonnage on shipping. But it was expressly declared, however, to be with a view to lessen the public debt of the province, and to be solely applied to that use ; and is evidence of the free and independent exercise of legislative power in the Assembly

of the province, guaranteed by the charter and long enjoyed, without denial or dispute. To determine the amount of taxes to be at any time paid by the people of the province, and the purposes to which they should be applied, was claimed as a right ; and never acknowledged as a privilege or an indulgence dependent either on the will of ministers or the Parliament. And here it may be proper to notice a distinction made by the Representatives, and by private individuals in the province between *internal* taxes, and a revenue arising from imposts, which they were not disposed to deny that the British Parliament might require, upon the idea, that, being the supreme legislative authority of the empire, it could of right regulate trade between the colonies and foreign ports. It was justly contended, however, that even this power might be oppressively exercised : And it was therefore proper to remonstrate against high duties, which took off all the profits of trade and thus checked the prosperity of the colonies. And had not administration resorted to the novel expedient of imposing *internal* taxes, which would in fact be the effects of the stamp act, and advanced the alarming doctrine of their right to tax the people in America in any way, or to any extent, they should determine to be proper or expedient ; the sugar act and other restrictive regulations with respect to foreign trade and commerce, would never have excited such serious opposition. They might have resorted to manufactures, they might have withdrawn a part of their capital employed in commerce and attended more to agricultural pursuits, the profits of which if not so rapid, are no less sure. But they could not consent that the parent government, on any pretence whatever, should levy internal taxes, in which they had no voice : For such a system would soon produce distress and servitude. Many even of the advocates of ministerial measures and of the ultimate supremacy of Parliament, disapproved the plan of administration

to levy internal taxes on the colonies, as oppressive in their operation and contrary to the spirit and design of the charter.

That we may do full justice to the zeal and ability of the patriots of Massachusetts and of the other colonies, in contending for their civil rights and in opposing the measures of the British administration, which were very oppressive in their operation and inconsistent with the authority hitherto exercised by the colonial governments, and believed to be guaranteed to them by their charters, it must be remembered, that the ministry and most of the political characters in England seemed to be entirely convinced of the right of Parliament to direct and control the concerns of the colonies. To the extent they claimed to exercise such power and to interfere with the internal regulation of the provinces, considering the legislative authority expressly given by charter to some of them, they were, undoubtedly, subject to prejudice and mistake. But it is a fact, that generally, even those who professed to respect constitutional principles, insisted on the supremacy of the parent government, and contended that the colonial assemblies must submit in all cases to the authority and will of the supreme legislature of the empire. They did not, indeed, pretend, that Parliament could do no wrong. But they did in effect assert this, by claiming a right to the uncontrolled exercise of power, of the legitimacy and application of which they were the sole judges. This was the great difficulty to be settled : and it was no trifling affair to shew the rights of the colonies, as asserted by the patriotic statesmen of Massachusetts and yet admit their subordination to the ultimate authority of Parliament. The true doctrine was as advanced by Mr. Otis in his pamphlet on the rights of the colonies, published in 1764, and to which reference has already been made. He admitted the supremacy of Parliament ; and granted, that as long as we remained a part of



the empire, the authority of the parent government must be paramount to all others within the realm. But he took the high and strong ground of constitutional principles, which, especially since the revolution of 1689, were allowed to have a binding and controlling power over the acts of Parliament even ; and thence argued, that when it exceeded its legitimate authority and encroached on the rights of corporations or individuals, or attempted to dissolve contracts or charters, not forfeited by the grantees by any violations on their part, its acts were arbitrary and unjust. And as this doctrine might lead to insurrection or rebellion, he maintained that petitions, memorials and remonstrances, were in the first place the duty of the subjects : Yet when these were ineffectual, when oppression was great and accumulated, and injustice and despotism most palpably evident, that then open and forcible opposition would be justifiable. And such seems to have been the sentiments and arguments of the statesmen in this and the other colonies, from this time to the eventful period of the revolution. Their opposition was to measures of the British administration, believed to be not only oppressive, but arbitrary and unconstitutional. But with some occasional relaxation, the policy and claims of ministers were continued : and after ten years of able and sometimes bitter controversy, the appeal was made to force ; and the colonies were obliged to take up arms in defence of rights and privileges before enjoyed by their predecessors, and such as they believed themselves entitled to, equally with other subjects of Great Britain.

The Board of Council, not only had an advisory power with the Governor in executive concerns, but were a distinct branch of the Legislature : and their co-operation was necessary in all laws and orders of the government. In their opinions and views, they generally harmonized with the House of Assembly, consisting of the immediate representatives of the



people. There was, however, on some occasions, a difference of opinion between them, as to the distinct authority of each branch; and the House, though justly tenacious of its separate powers, was sometimes jealous of the interference of the Council in the smallest degree. At this session, a vote was passed by the House of Assembly, and sent to the Council for concurrence. The Board made a material alteration, and in fact prepared a new draft of the vote, and thereupon sent it to the House for them to pass, as if it had originated with the representatives; and thus, as the House contended, exercised a degree of interference and dictation which they considered very improper. The case was not very important; but the House contended for the principle; and on this and other occasions manifested a most watchful vigilance of the rights of the Assembly. This was not a vote for either raising or appropriating money, which it was conceded the House had the exclusive right to originate. Nor did the House deny the right of the Council to alter a vote or order sent up to them. But objected to the propriety of having such vote, after being materially altered in Council, appearing to have its origin in the House. The Council finally yielded and acquiesced in the opinion of the representatives.

About this period, the House of Assembly complained of an appropriation of public money, by the Governor and Council, without authority of law. Some expenses had been incurred, at the castle, which were judged necessary; and payment was ordered by the executive, though no specific appropriation had been made by the Legislature. The representatives, at the following session, complained of the impropriety of the measure; which the Governor and Council attempted to justify by the necessity of the case. The House were not satisfied with this suggestion; alleging, that though the expenses might have been necessary at the time, the payment

could have been delayed a few months without injury to any one ; and insisted that it was unconstitutional and dangerous to allow such power in the executive ; as it would lead to great injustice, and a misapplication of public money, under the plea of necessity, which might be offered on all occasions. It is proper to record such proceedings, since they serve to manifest the feelings and views of the statesmen of that period, as to constitutional principles, and a correct course in legislation.

It had been provided, by an act of Parliament, establishing vice admiralty courts in America, and giving them cognizance and jurisdiction in cases of seizure, under the law imposing duties on certain articles imported into the colonies, that a third part of the monies accruing from forfeitures should be appropriated towards the support of the government of the province in which the seizure and forfeiture happened. The officers of the customs were very diligent in complaining and prosecuting all persons who attempted to evade the law by secreting the articles imported. The judge of the court of vice-admiralty was equally astute in condemning all breaches of the act. A considerable amount was thus forfeited, a portion of which belonged to the province. But the revenue officers were more ready to receive fines, than to pay over to the treasurer of the province. The House of Representatives found it necessary to inquire into the case, and to take care that the government here was not defrauded of its legal portion of the receipts. At this session, they appointed the gentlemen of the Boston seat a committee to employ learned and able council to support the right of the province to all monies forfeited pursuant to the judgment of the court of admiralty under the said act.

In February, 1765, the stamp act, proposed at a former session of Parliament, was passed, requiring stamped paper to be used for all legal instruments,

at the Custom House, in all courts, even courts of probate, bonds, deeds, and diplomas for collegiate degrees, and imposing a duty or tax thereon, by which a large amount was to be raised in the colonies. And all forfeitures arising from breaches of this law, as well as of the act subjecting the people to imposts, were to be recovered in the courts of admiralty; which were extremely unpopular, both on account of the entire power given to the judge to decide without a jury, and of certain provisions very vexatious and oppressive to the citizens, and furnishing great temptations to the complainants and the judge to condemn all who were prosecuted. The petition and remonstrance sent from this province in November preceding, and others from New-York, Virginia and Connecticut, referring to the acts of Parliament for raising a revenue in the colonies; and especially stating the grievous burden of a stamp act, then already apprehended, were not presented. Though very loyal in the sentiments expressed, and respectful in language, they were not offered, on account of some rule then in force as to the receiving of such remonstrances when a bill for raising money was under consideration. Nor does it appear that the agents pressed the matter with much zeal; having ascertained, that a large majority of both Houses of Parliament were fully satisfied of their authority to impose any taxes on the colonies they might think expedient. There were very few of the whig party, so called, who were bold enough to deny this right of Parliament. It was not till afterwards, and upon mature consideration, that Mr. PITT, and others, became convinced, that it was unconstitutional and arbitrary in the British government to legislate for and levy taxes on the colonies, unless they could be represented in the Legislature laying such taxes. It was enough for administration and the majority of Parliament, who supported them, that its power was supreme; and they insisted that the colonies who had

received and still needed, as pretended, the aid and support of the parent country, should be liable to pay such part of the public debt and expenses of the empire as the British Legislature might require. Had the statement made by the province before mentioned, and the arguments advanced in their humble and dutiful memorial been fully considered, it is probable, that disinterested and impartial statesman in the British Parliament would have opposed the passage of such an act as that to raise a revenue from stamp paper, and of all others, then contemplated for levying internal taxes in the colonies.

In April a complaint was made to the Governor and Council, that a quantity of molasses, then recently imported, and in the custody of an officer of the customs, on Taunton river, in the county of Bristol, had been forcibly seized and conveyed away. It was represented, not only that the proceedings were unlawful, but that a great riot had taken place, which required the interference of the executive power. The Council gave directions to several justices of the peace in that county\* to inquire into the affair: and, if necessary, to call out the militia, to suppress any tumultuous proceedings, and to assist in recovering the articles taken. The gentleman at the head of the customs went down from Boston, and by assistance of the magistrates the goods were recovered, which had been taken and secreted; and no opposition was made on the part of the people. Though some hogsheads of this article had been improperly taken from the possession of the officer, with the intention, no doubt, to evade the payment of the impost duties, yet the affair was much exaggerated; it having been stated to the governor that a large number of the citizens of that county were in arms, determined to oppose the authority of government.

\* Samuel White, then Speaker of the House of Representatives, and Robert T. Paine, were two of them.



There was, indeed, at this time, much uneasiness in various parts of the province, especially in sea-ports, on account of the high duties then lately imposed ; and attempts were made, in several places, to evade the regulations of the revenue department. But neither riots nor evasions of the laws were countenanced by the representatives, or by influential individuals in private stations. Their opposition to the measures of administration was lawful and constitutional, though resolute and firm.

When intelligence arrived that the stamp act had been passed, great dissatisfaction was manifested through the province of Massachusetts, and the colonies generally. And much surprise was mingled with the irritation, that the act had been adopted without any regard to the memorials and remonstrances forwarded from America on the subject. Feeling as freemen and as Englishmen, conscious of loyal intentions, and of a willingness to submit to all just and constitutional laws, and with a full recollection of past privileges and services, a majority of the people were at once alarmed and indignant at the hasty adoption of such arbitrary measures. They saw a fatal blow aimed at their highly valued chartered liberties ; and were justly apprehensive, that their civil freedom would be laid prostrate at the feet of despotic power, without a more resolute and united defence than had yet been made. Governor BERNARD, in his speech to the Legislature in May, merely glanced at the interesting subject, by which the public mind was so deeply agitated ; but urged entire submission to all acts of Parliament, as it was the sanctuary of liberty and justice ; and eulogized the character of the prince on the throne, ‘as one fully deserving the epithet of a patriot king.’ His speech had principal reference to other topics of a local nature. But the House of Representatives, having referred to committees the several matters recommended by the governor, devoted themselves

to the adoption of measures for preserving the rights of the province, which they saw directly and systematically assailed.

On an early day of the session, "having considered the many difficulties, to which the colonies were and must be reduced by the operation of the late acts of Parliament," they voted to appoint a committee of nine of their body\* to report what measures were best to be taken thereon. This committee recommended, "that there should be a meeting, as soon as convenient, of committees from the Houses of Representatives, or Burgesses, in the several colonies on this continent, to consult together on their present circumstances, and the difficulties to which they are and must be reduced by the late acts of Parliament for levying duties and taxes on the colonies, and to consider of a general and humble address to his majesty and the Parliament, imploring relief; that such meeting should be holden at New-York, in October; that three persons be chosen from the House of Representatives, on the part of this province to attend the Convention; that letters be prepared and transmitted to the respective Speakers of the several Houses of Representatives, or Burgesses, in the colonies, advising them of the resolutions of the House, and inviting them to join, by their committees, for the purposes above expressed. And that a letter be also prepared and forwarded to the agent of the province in England on these matters." This report was adopted by the House; and they proceeded to choose three of their members, J. OTIS, O. PARTRIDGE and T. RUGGLES,† as the committee; and a circular letter was read and approved, to be addressed, by the Speaker, to the several Houses of Assembly of the other colonies, agreeably to the sentiments and views expressed in the report.

\*The Speaker, (Samuel White) Ruggles, Partridge, Worthington, Winslow, Otis, Cushing, Saltonstall and Sheafe.

† J. Worthington was first chosen, but declined; and T. Ruggles was appointed in his room.



This was a very important measure. An occasion was thus furnished for citizens from the different colonies to confer with one another, and to ascertain each others opinions and feelings : and a precedent was established for a general meeting, in future, to consult for the welfare of the whole. The effect of united consultation and petitions must also be much greater, than an application or an expression of discontent from a single province. And the British administration must have seen that the dissatisfaction in the colonies, was not, as represented, confined to a particular section of the country and to a few individuals ; but was almost universal.

This Convention was composed of committees from Massachusetts, Rhode-Island, New-Jersey, Pennsylvania, Delaware and Maryland. The General Assembly of Virginia, Connecticut, and some other colonies, were not in session, during the time which intervened from receiving the circular from Massachusetts and the month of October following, when the Convention was holden in New-York. Mr. RUGGLES, one of the committee for this province, did not approve of the proceedings of the Convention. And he was not satisfied with merely withholding his assent from the memorial prepared to be presented to the king and Parliament ; his conduct was considered highly improper on the occasion, and he was afterwards censured by a vote of the Assembly of Massachusetts. Soon after this period, he discovered great subserviency to the views of the British administration, in their arbitrary policy towards the colony ; and he lost the confidence and esteem of all the patriots in the province.

The memorials prepared by this Convention and addressed to the king and to the two Houses of Parliament, were explicit and decided, as to the exclusive rights of the colonies to self government, and to regulate all internal taxation : and at the same time, were most respectful and loyal. In the petition to

the king, they declared their inviolable attachment to his majesty's person and government, and their joy at the establishment of the Protestant succession in his illustrious family; and stated that the colonies were planted by subjects of the British crown who were animated with the spirit of freedom: and who, encouraged by his majesty's predecessors, and confiding in the public faith for the enjoyment of all the rights and privileges essential to liberty, emigrated to this continent, and, in the midst of dangers and difficulties, had happily added vast and valuable dominions to the British empire: That, for the enjoyment of these rights and liberties, several governments were early formed in these colonies, with full powers of legislation, agreeable to the principles of the English constitution: That under such governments, these liberties, thus vested in their ancestors, had been always exercised and enjoyed: That by means of these settlements, a foundation was laid for rendering the British empire the most extensive and powerful in the world; and that they esteemed a connexion with Great Britain their greatest happiness and security: That they apprehended this connexion would be most firmly and permanently established, by fixing the pillars thereof on liberty and justice, and securing the *inherent* rights and liberties of the subjects in America on the principles of the English constitution: That to this constitution, two principles were *essential*, their right freely to grant to his majesty such aids as should be required for the support of government and other public exigencies; and trials by their peers: That, by the one, they were secured from unreasonable impositions; and by the other, from arbitrary decisions of the executive power: That the continuation of these liberties were absolutely necessary to unite the several parts of the wide extended empire of Great Britain, and to secure the growth and prosperity of the American colonies, from which incalculable advantages would be derived

to the parent country, as well as to these plantations : But that these advantages, by the abridgment of their rights and liberties, were in danger of being lost forever ; and the subordinate Legislatures here rendered useless by the late acts of Parliament imposing duties and taxes on the colonies, and extending the jurisdiction of the courts of admiralty beyond their ancient limits ; acts, by which the Commons in England undertook to dispose of the property of their fellow-subjects in America without their consent ; and for enforcing whereof, they were subject to the determination of a single judge in a court unrestrained by the wise rules of the common law, the birth-right of Englishmen, and the safeguard of their persons and property : That the invaluable rights of taxing themselves, and of trial by their peers, were not, as they conceived, unconstitutional, but confirmed by the great charter of English liberty : That on the first of these rights, the House of Commons founded their practice of originating all money bills ; a right enjoyed even by the people of Ireland, and a right which all his Majesty's subjects, both within and without the realm, had hitherto enjoyed."

In their memorial to the House of Lords, they observe, "that his Majesty's liege subjects in the colonies, while they acknowledged a *due* subordination to the British Parliament, are entitled, in their humble opinion, to all the inherent rights and liberties of the natives of Great Britain ; and have ever since the settlement of the colonies, exercised those rights and liberties, as far as their local circumstances would permit : That they conceived one of the most essential rights of the colonists, which, till lately they had uninterruptedly enjoyed, to be trial by jury : That another was the exemption from all taxes, but such as were imposed on the people by the several Legislatures in these colonies ; which right, they had also, till of late, freely enjoyed : That the act, therefore, granting certain stamp duties in the American

colonies, gave the deepest concern to his Majesty's subjects here, as it deprived them of two fundamental rights: And that several other late acts of Parliament, extending the jurisdiction and powers of courts of admiralty in the plantations, beyond their limits in Great Britain, made an unhappy distinction between them and their fellow subjects in England, by whom they had never been excelled in duty and loyalty to their Sovereign: That, from the natural connexion between Great Britain and America, the perpetual continuance of which they most ardently desired, they conceived, nothing could conduce more to the interest of both, than the colonies free enjoyment of their rights and liberties: That (not waving their *claim* to these rights, of which, with great deference to the wisdom and justice of Parliament, they apprehended they could not be deprived) from the peculiar circumstances of these colonies, the duties lately imposed were extremely grievous and burdensome, and the payment thereof would soon become absolutely impracticable; and that these restrictions on trade would not only distress the colonies, but must be detrimental to the trade and interest of Great Britain." They therefore, "earnestly and humbly entreated their Lordships to adopt measures for restoring the just rights and liberties of the colonies, and preserving them forever inviolate; for redressing their present and preventing future grievances."

The petition to the House of Commons from the Convention was similar to that addressed to the House of Lords; but being more full and explicit on the subject, it will be proper to state its contents. They represented, "that the late acts of Parliament, imposing divers duties and taxes on the colonies, and laying the trade and commerce thereof under very burdensome restrictions, and especially the act for granting and applying certain stamp duties in America, had filled them with the deepest surprise and concern; and that they conceived the execution of

those acts would be attended with consequences most injurious to the commercial interest of Great Britain and her colonies, and must terminate in the ruin of the latter, which were thereby already involved in anxiety, confusion and distress." They said "they expressly recognized their allegiance to the crown, and acknowledged all *due* submission to Parliament, and should ever retain a most grateful sense of their assistance and protection : That it was under the English constitution they derived all their civil and religious rights and liberties; that they gloried in being subjects of the best of Kings, and in having been born under the most perfect form of government. But that it was with most ineffable and humiliating sorrow they found themselves, of late, deprived of the right of granting their own property for his Majesty's service, to which they had ever been ready to contribute, to the utmost of their abilities : That it was also their misfortune to find, that all the penalties and forfeitures, mentioned in the stamp act and in divers late acts of trade, extending to the plantations, were, at the election of the informer, recoverable in any court of admiralty in America : That this, according to the new establishment of those courts which gave them jurisdiction over all British America, rendered his Majesty's subjects in the colonies liable to be carried, at an immense expense, from one end of the continent to the other : That it gave them great concern, thus to see a manifest distinction made between the subjects of the parent country and those in the colonies : That thus they were, in effect, deprived of two privileges essential to freedom, and which all Englishmen have ever considered as their best birth-right, that of being free from all taxes, but such as they had consented to in person or by their representatives, and of trial by their peers : That the remote situation of the colonies rendered it impracticable that they should be represented, but in their respective subor-



dinate Legislatures : and that they conceived Parliament, adhering strictly to the principles of the constitution, have never hitherto taxed any, but those who were actually represented therein." They also urged reasons for repealing the stamp act, and other acts for raising a revenue in the colonies, suggested by considerations of equity and policy ; as that their own debts were large and burdensome, and that their trade with Great Britain would necessarily be curtailed, which would prove injurious alike to the prosperity of the parent country and to the American colonies. And they proceeded to inquire, "whether there was not a material distinction between the exercise of Parliamentary jurisdiction in general acts for the amendment of the common law and the regulation of trade and commerce through the whole empire ; and the exercise of that jurisdiction by imposing taxes on the colonies ;" and thereupon stated, "that the several subordinate provincial Legislatures had been moulded into forms as nearly resembling that of the parent country as by his Majesty's predecessors had been thought convenient : That these Legislatures had been wisely established, so that the subjects in the colonies might enjoy the happy fruits of the British government, which, owing to their situation, they could not fully avail themselves of in any other way : That, under these forms of government, they and their ancestors had been born or settled, and had had their lives, liberties and properties protected : That, they esteemed their connexion with and dependence on Great Britain, as one of their greatest blessings, and apprehended the latter would be sufficiently secure, when it was considered that the inhabitants in the colonies had the most unbounded affection for his Majesty's person, family and government, as well as for the parent country, and their general subordination to Parliament was universally acknowledged."



## CHAPTER IV.

Uneasiness and Riots on account of the Stamp Act—Stamps arrive—House refuse to give orders respecting them—Public Business done without stamps—Instructions to Boston Representatives—Governor contends for supremacy of Parliament—The Assembly consent to it only in a qualified sense—Declare their loyalty and contend for Charter Rights—Non-importation agreement—Diminution of Trade.

IN the month of August, the people in the capital had become so irritated by the stamp act, which had been passed, without even permitting the representations and petitions forwarded from Massachusetts and the other provinces to be read, and which was soon to go into operation, that some riots ensued, which were highly dishonorable to the sober character they had always maintained, and which mortified the more intelligent friends of liberty both in the province and in England. Whenever excesses are committed, be it even by the lower class of the citizens, they serve alike to discourage the advocates of constitutional freedom, and to excuse the friends of arbitrary power in their measures of severity and coercion. But when the people have been long accustomed to civil liberty, they will not easily endure an abridgment of their privileges; and the excitement produced by oppression often manifests itself in acts of riot and misrule. If the people cannot be justified in taking the law into their own hands, or deterring the public officer from the discharge of his

duty, much less can administration, for encroaching on their rights and imposing unconstitutional taxes and burdens.

Mr. OLIVER, who was appointed to distribute the stamps when received in the province, was hung in effigy ; his house was surrounded in the evening, and the family greatly alarmed. They escaped without receiving any personal injury ; but the windows and some of the furniture were broken ; a small building intended for a stamp office was entirely demolished ; and the pageant was consumed in the flames. The mob proceeded to the house of lieutenant governor HUTCHINSON, at the north part of the town, with clamorous threats ; but by the advice of some sober, discreet individuals of the whig party, who had assembled, with a view, probably, to restrain the populace, no further injury was done on that evening. But the spirit of discontent and irritation was not allayed. It was only smothered for a short period, again to burst forth with greater fury. In fact, the people were wrought up almost to a degree of phrenzy. They saw their most valued rights and privileges violated ; and had sufficient reason to apprehend still greater burdens, from an administration without political wisdom, and which seemed to have no regard for civil liberty. And it could not justly be expected of them to conduct, in all cases, with the moderation which marks the proceedings of the intelligent and reflecting few. It is rather matter of surprise, that the oppressive acts of administration did not produce greater tumults, and excesses of a more mischievous character. On the 26th of the same month, another riot ensued, more alarming than the former. The houses of the Clerk of the Vice Admiralty Court, and of the Collector of the Customs, were forcibly entered, a great part of their furniture defaced, and their papers committed to the flames or taken away and destroyed. The same evening they attacked the dwelling house of the Lieutenant Gov-

ernor. Apprehensive of personal danger, he and his family fled under cover of the night to a distant part of the town. The rioters entered and committed depredations, shameful to civilized society, and dishonorable to freemen. Not only the valuable furniture and pictures were destroyed ; but most of the rooms were so defaced and injured as to render them untenable. His library and manuscripts, which were very valuable, were chiefly burnt or thrown into the streets: Some of them, however, were afterwards collected, and at a later period, were found in his house in Milton. There is no doubt, but these excesses were committed by the lowest class of the people : nor is it probable that any of the more respectable even connived at such conduct: For they were a stigma on the town and an injury to the cause of liberty. The intelligent and influential citizens of the patriot party were open and severe in their censures on the perpetrators.] The inhabitants of Boston immediately assembled, and unanimously expressed their detestation of such proceedings ; and directed the magistrates to employ all proper measures to detect and punish the authors of them.] The Council also advised the Governor to issue a proclamation, promising a reward for arresting those who had taken any part in the riots. Some persons were taken up on suspicion ; but no proof could be furnished against them. The business of an informer is always dishonorable ; and in a case like this, it was not to be expected, that many would volunteer in the service, however much they might disapprove of such excesses. The people had great cause of irritation, and their views were laudable, though their conduct, in this instance was wholly unjustifiable. And great care was taken by those who gave the tone to public sentiment, both in and out of office to prevent the recurrence of such tumultuous scenes.

The Governor called the General Court together, in September, at a period earlier than usual, on account

of the riots which had taken place, to ask for additional strength to the arm of the executive, for the purpose of preventing such proceedings in future ; and to refer the business of distributing the stamps, then daily expected, to the Legislature. The day following, a ship arrived in the harbor of Boston with the stamped papers designed to be used in the province. The Governor by a special message, gave the House notice, having first requested the opinion of the Council on the subject, who declined giving any advice in the case. The Representatives replied, "that as the stamped papers were brought here without any directions to this government, it is the sense of the House, that it may prove of ill consequence for them, in any way, to interest themselves in the matter : and that they hoped his Excellency would excuse them for not giving any assistance therein." Soon after, Mr. OLIVER, who had been appointed the distributor of the stamps, finding a determined opposition in the people to the use and even the sale of them, in the province, declined the office ; and the Governor again laid the subject before the Council, who advised, that they be deposited at Castle William, and there preserved entire, without being unpacked, for his Majesty's further orders.

It was almost the universal opinion of the people in the province, that the act requiring the use of stamps, and demanding a duty for them to be added to the British revenues, was unconstitutional. It certainly would have been burdensome in its operation, and an infringement on their charter rights : and there was a very general determination not to use them. But as they were required for all legal papers, a difficulty was apprehended as to the courts proceeding without them. The town of Boston had a meeting on the subject, and adopted a petition to be presented the Governor and Council, praying them to order the courts to dispense with them. The General Court, at its session in October, ap-



pointed a committee "to report proper methods to prevent difficulties which might arise in the proceedings of courts of justice through the province." This committee reported a resolve, which was rejected by the House of Representatives, though it was adopted in the Council—the purport of which was, "that the justices of the superior court, and of the courts of common pleas, judges of probate, clerks of courts, registers of deeds, sheriffs, coroners and others, who, by the late act, were required to use stamp papers, be ordered to proceed in the same manner, in the execution of their respective offices, as if the act had never been passed; and that all papers, which were subject to be stamped by said act, be deemed valid without the stamp, during the present emergency." It does not appear what were the objections of the House to this resolve. A large and respectable committee had reported the resolution, consisting of eight of their members. And it would appear to have been sufficiently decided and firm, in its phraseology. In fact, the resolution amounted to a direct interference with and opposition to an express act of Parliament. It is probable, however, from a subsequent amendment proposed by the House, that they were desirous of adding a clause, not only against the use of stamps, but of the great evils which would ensue, if the courts were suspended, in which the Council were not prepared to join. The subject was, therefore, referred to the session in January, 1766. The House was then desirous of passing a resolution, declaring it "the duty of the judges and other public officers to proceed in the discharge of their several functions." The Council were disposed to consult the judges and to prevail on them to proceed to business, without any formal order of the Legislature. And soon after, the judges agreed that the usual business of the courts should be transacted in the approaching spring without the use of stamps. It was with great reluc-



tance they consented to this measure, for they were, generally, friends of the British administration.

Great disapprobation of the measures of ministers was, at this time, publicly expressed in the province. The opinion prevailed, that an early and decided stand against the arbitrary proceedings of the British government would be effectual in favor of liberty. *Obsta principiis*, is a sound political maxim: and the patriots of that trying period were aware of the greater difficulty of opposing the authority of Parliament, at a future day, than in resisting the first encroachments on their rights. It is not improbable, however, that they were induced to be more decided in their efforts, from the general belief, that the administration was unpopular, even in England; and that other agents would be called to take part in the government, more friendly to the colonies, and to the great principles of English liberty. A change of ministers took place in July, the intelligence of which reached this country in September. The dukes of New Castle and of Grafton, the marquis of Rockingham, lord Dartmouth and others, were brought into power, in consequence of the general discontent with the policy and measures of the Grenville party, who were supposed to be under the secret influence of lord Bute. This nobleman had great talents, and was high in the esteem of the king; yet his views of government were too arbitrary to render him a friend of the people. Many able statesmen disapproved of the principles and measures of the Grenville administration; and the merchants, who were concerned in trade with the colonies, and the middling class of citizens, generally, were opposed to the plan of taxing America.

The inhabitants of Boston, always foremost in their exertions in defence of freedom, and greatly alarmed at the prospect before them, when the stamp act was to go into operation, but careful also to proceed in a regular and constitutional manner, held a meeting in

September, to consult on the public welfare; and expressed their feelings in an address to their representatives;\* in which they observed, "That the measures adopted by the British ministers tended to distress the trade of the province, and interfered with the invaluable rights and privileges of the people; and, therefore, gave them great concern: That they were particularly alarmed by the stamp act, which they considered a great grievance, and even unconstitutional; as the charter granted the power of making laws for the internal government of the province, and for levying taxes; and by it, they were entitled to all the liberties of natural free-born subjects of Great Britain; the most essential of which were those of being represented in that branch of the government which exercised the power of taxation: That they were not, and could not be truly represented in the English Parliament: That if the act should be carried into execution in the province,† it would be a precedent for Parliament to tax them in future, whenever the ministers should propose it, without the consent of the people—and that justice to themselves and their posterity required them to declare their dissatisfaction with this law." And they enjoined it on their representatives to approve of no measures for facilitating the execution of this obnoxious act: but to use their best endeavours in the General Assembly to have the inherent rights of the people of the province asserted and vindicated, and to have it left on public record; that so posterity might not have reason to charge them with the guilt of tameness in resigning them.‡

When the Governor convened the General Court in September, by a special summons, he represented to them the necessity of energetic measures for pre-

\* J. Otis, T. Cushing, T. Gray—O. Thacher having lately deceased, S. Adams was elected in his room.

† It was to take effect on the first of November.

‡ Many other towns gave similar instructions to their representatives.

serving the public peace, which he considered in danger; and intimated that they had much business to transact, in discharging their duty to the province. Yet, in three days, by some unaccountable caprice, he prorogued the Court, before they had time to adopt measures for aiding him and the officers of the crown, as he might particularly point out; or to agree on means, which was more their concern, for preventing the law from taking effect, and prevailing with Parliament to repeal it.

Although governor BERNARD was a friend to the ministry, and admitted the doctrine of the absolute power of Parliament, he had not, in his public addresses to the General Court, discussed the subjects in dispute between the province and the British administration. There had already been three sessions of the Legislative Assembly since the laws were passed for raising a revenue in the colonies, at which measures had been adopted or proposed, to effect their discontinuance. But on none of these occasions, did the Governor assume the character of a diplomatist; though he had in general terms, inculcated obedience and subordination to the parent state. At the opening of this session, in September, after referring to the recent tumultuous conduct of the populace in Boston, with proper expressions of disapprobation, he undertook the vindication of ministers, and declared his belief of the supreme and unlimited authority of Parliament. He also dwelt much on the power of the British government, and urged entire submission to all its acts, from considerations of expediency, as opposition would but render the situation of the province more distressing. He eulogized the character of the King; and endeavoured to persuade them, that they might justly expect a redress of all their grievances, if they yielded obedience to the authority of the parent state. At their meeting in October, called by the Governor with advice of the Council, as the public opinion imperi-

ously demanded it, the House of Representatives replied to his Excellency's speech, delivered in September: In which they declared their respect and loyalty for the King, and, in a qualified sense, acknowledged the supreme authority of Parliament. They would not presume, they said, to adjust its limits: but hesitated not to declare, that, in their apprehension, 'there were bounds to it.' They reminded the Governor of the sentence of excommunication solemnly pronounced against those who should make statutes, or observe them when made, contrary to the liberties of Magna Charta. They expressed a belief, that the zealous advocates for the constitution, in past times, compared the acts of Parliament with Magna Charta; and that, if any were found to infringe on the rights of that instrument, they were repealed: and they observed, that they had the same confidence in the rectitude of the present Parliament; and could not, therefore, but be surprised at an intimation, that they would require submission to an act as a preliminary to their granting relief from the unconstitutional burdens of it; which supposed such a wanton exercise of arbitrary power, as ought never to be surmised of the patrons of liberty and justice. They insisted, also, that the charter of the province invested the General Assembly with the power of making laws for its internal government and taxation; and that this charter had never been forfeited. They granted, that Parliament had a right to make all laws within the limits of their own constitution; and presumed that they claimed no more. They appealed to his Excellency, if he would not acknowledge, that there were certain original, inherent rights, belonging to the people, which the Parliament itself could not divest them of, consistently with their own constitution; among which was the right of representation in the same body which exercised the power of taxation: And they observed, that the subjects in the colonies were



not represented in Parliament, nor was it practicable for them to be so : That they knew not, that the right of the colonies to make their own laws and tax themselves, had ever been questioned ; but, on the contrary, had been constantly recognized by the King and Parliament : That for Parliament, though the supreme authority over all the subjects in the British dominions, to claim a *despotic* power within themselves, would be most disrespectful—and they put it to the Governor, whether to suppose an indisputable right in any government to tax the subjects without their consent did not include the idea of such a power.

This answer of the House of Representatives to the Governor is so able and conclusive, goes so fully into the consideration of the fundamental principles of a free government, which the British professed to be, and states so clearly the views of the patriots in Massachusetts of that period respecting the rights recognized in their charter and belonging to them as Englishmen, that it will be proper to give a part of it, in their own spirited manner. ‘Our duty to the King (they say) who holds the rights of all his subjects as sacred as his own prerogative, and our regard to our constituents and concern for their dearest interests, constrain us to be explicit upon this very important occasion. We beg your Excellency would consider the people of this province as having the strongest affection for his Majesty, under whose happy government they have felt all the blessings of liberty. They have a warm sense of the honor, freedom and independence of a *Patriot* King : They have a just value for those inestimable rights, which are derived to all men from nature, and are happily interwoven in the British constitution. They esteem it *sacrilege* for them, ever to give them up : And rather than lose them, they would willingly part with every thing else. We deeply regret it, that Parliament has seen fit to pass such an act as the stamp



act: We flatter ourselves, that the hardships of it will shortly appear to them in such a light, as shall induce them, in their wisdom, to repeal it. In the mean time, we beg your Excellency to excuse us from doing any thing to assist in the execution of it: And, with all humility, would inquire, whether it would be possible for us to add any weight to an act of that most august body, the Parliament? Whether it would not be considered as arrogance and presumption in us to attempt it? And whether it can be reasonably expected that this House should be active in bringing a grievous burden on our constituents? Such a conduct in us would be to oppose the sentiments of the people we represent, and the declared instructions of most of them. They complain, that some of the most essential rights of Magna Charta, to which as British subjects they have an undoubted claim, are injured by it: That it wholly cancels the very conditions, upon which our ancestors settled this country and enlarged his Majesty's dominions, with much toil and blood, and at their own expense: That it is totally subversive of the happiest frame of subordinate civil government, expressed in our charter, which amply secures to the crown our allegiance, to the nation our connexion, and to ourselves the indefeasible rights of Britons: That it tends to destroy that mutual confidence and affection, as well as that equality, which ought ever to subsist among all his Majesty's subjects in his wide and extended empire: That it may be used as a precedent for their fellow-subjects in Britain, for the future, to demand what part of their estates they may think proper; and the whole, if they please: That it invests a single judge of admiralty with power to try and determine their property in controversies arising from internal concerns, without a jury, contrary to the very expression of Magna Charta, and enables an informer to carry a supposed offender more than a thousand miles for trial: And what is

worst of all, if his Majesty's American subjects are not to be governed according to known and stated rules of the constitution, as those in Britain are, it is feared, that they will become disaffected ; which we cannot ever entertain a distant thought of, without the greatest abhorrence. Your Excellency observes, that the province seems to be upon the brink of a precipice. A sight of its danger is then necessary for its preservation. To despair of the commonwealth, is a certain presage of its fall. You may be assured, that the Representatives of the people are awake to a sense of its danger, and their utmost prudence will not be wanting to prevent its ruin. You are pleased to tell us, that declarations have been made, that the act of Parliament, for granting stamp duties in the colonies, shall not be executed within this province. We know of no such declarations. If any of the people have declared an unwillingness to subject themselves to the payment of these duties, and choose rather to lay aside all business, than to make use of the stamp papers, as we are not accountable for such declarations, so neither can we see any thing criminal in them : This House has no authority to control their choice in this matter. The act does not oblige them to make use of the papers : It only exacts the payment of certain duties for such papers as they may incline to use. Such declarations may possibly have been made ; and are very consistent with the utmost respect for the King and Parliament. We inherit from our ancestors the highest relish for civil liberty : but we hope never to see the time when it shall be expedient to countenance any methods for its preservation, but such as are legal and regular. When our sacred rights are infringed, we feel the grievance : but we understand the nature of our happy constitution too well, and entertain too high an opinion of the virtue and justice of the Supreme Legislature, to encourage any means of redressing it, but such as are justifiable by

the constitution. We, therefore, must consider it unkind in your Excellency to reflect on the province, whose unshaken loyalty and indissoluble attachment to his Majesty's person and government was never before called in question : And we hope in *God*, never will again."\*

As the firm and able remonstrances of the representatives of the province, at this period, had, probably great influence with Parliament to induce them to repeal the stamp act, and are also honorable to their discernment and patriotism in support of legitimate freedom, it will be proper to mention the resolutions they adopted and published, expressive of their sense of the rights of the people. And it is important to notice, that these resolutions were passed in the House, by a unanimous vote ; though, at a subsequent period, those who adhered to the royal party, by approving the arbitrary measures of administration, were justly chargeable with a dereliction of the principles here advanced. They declared, "that there were certain essential rights, of the British constitution of government, which were founded in the law of God and nature, and were the common rights of mankind : That the people of this province were unalienably entitled to those rights, and that no law of society could justly divest them thereof : That no man could justly take the property of another without his consent : and that on this principle was founded the right of representation in the same body, which exercised the power of levying taxes, which was one of the main pillars of the British constitution : That this inherent right, with all other essential rights, liberties, privileges and immunities of the people of Great Britain had been fully confirmed to them by Magna Charta, and by former and later acts of Parliament : That his Majesty's subjects in America were, in reason and common sense, entitled

\* See Massachusetts State Papers, page 47.

to the same extent of liberty with their fellow subjects in Britain: That by the royal charter of the province the inhabitants were entitled to all the rights and liberties of free and natural subjects of Great Britain, to all intents, purposes and constructions whatever: That those rights belonged to the inhabitants of the province, on principles of common justice, their ancestors having settled the country at their sole expense, and their posterity having constantly approved themselves most loyal and faithful subjects of Great Britain: That as the inhabitants of the province paid their proportion of taxes, for the support of his Majesty's government here, it was unreasonable to call upon them to pay any part of the charges of the government in England: That the inhabitants of the province were not and never had been represented in the British Parliament, and that such a representation there as the people of England rightfully enjoyed, was impracticable for the citizens of America; and that they were of opinion, the subordinate power of legislation here was constituted upon such supposed impracticability: That the only method whereby the constitutional rights of the subjects could be secure, consistent with a subordination to the supreme power of Great Britain, would be the continued exercise of such powers of government as are granted in the royal charter, and a firm adherence to the principles of the same: That, (as a just conclusion from the preceding,) all acts made by any power whatever, other than the General Assembly of this province, imposing taxes on the inhabitants, are infringements of our *inherent* and *unalienable* rights as men and British subjects, and render void the most valuable declarations of our charter: That the extension of the powers of a court of admiralty within the province was a most violent infraction of the right of trial by jury; a right, which the House, upon the principles of their British ancestors, hold most dear and sacred; it being the

only security of the lives, liberties and properties of his Majesty's subjects here : That the House owe the strictest allegiance to his most sacred majesty, king George the Third ; that they had the greatest veneration for Parliament ; and would, after the example of their predecessors, exert themselves to support his Majesty's government in the province.\* And it was then ordered that these resolutions be preserved on record, that a just sense both of liberty and of loyalty might be thus transmitted to posterity.

Before the Assembly was convened in October, and after the stamp papers, received from England, were deposited at Castle William, there being some apprehension, that they might be forcibly taken and destroyed, the Executive ordered an additional military company to be stationed there : and, afterward, issued a warrant on the Treasurer of the province for their wages ; although there was no appropriation by law for such an expense. The House addressed the Governor and the Council separately on the subject, when in session in November, expressing great astonishment and dissatisfaction at the measure ; and insisting that it was contrary, not only to usage, but to the principles both of the British constitution and of the charter of the province ; as all appropriations and expenditures should originate with the representatives of the people. The Council endeavored to justify the measure by pleading the exigencies of the occasion ; and contended, that the public good required an additional military force. The House admitted, that the Executive might justly call out the military for the preservation of the public peace ; but utterly denied their right to order payment from the treasury of the province without an act of the Legislature, which should originate

\* Messrs. T. Cushing and S. Adams of Boston, and S. Dexter, of Dedham, were on the committee which prepared these resolves. For an able essay on the supreme power of Parliament. See appendix No. 1.



with the representatives. So careful were they of the privileges of the people; and so correct in their views of civil liberty.

On the last day of this important session of the General Assembly, the Governor made an intemperate address to them, filled with aspersions and criminations, which could be justified only on the strongest evidence of their having countenanced the late riotous conduct, and being on the eve of open rebellion. As the House of Representatives had no time to reply immediately, on account of the prorogation of the Court, they returned an answer on the first day of the following session in January, 1766. They indignantly repelled the charge of having encouraged or justified the conduct of the rioters; and plainly intimated a belief, that the obnoxious laws, which had occasioned the late tumults, had never been enacted but for improper representations made by individuals in the province. "Of the present times," they said, "impartial history would record, that the people of this continent, after giving the strongest testimonies of their loyalty to his Majesty, by making the utmost exertions in defending his territories and enlarging his dominions in this part of the world, on a motion made in this House, gave an equal testimony of a love of liberty and a regard to those principles, which are the basis of his Majesty's government, by a glorious stand, even against an act of Parliament, because they plainly saw that their essential, unalienable right of representation, and of trials by jury, the very foundation of the British constitution, was infringed, and even annihilated by it. But that they had knowledge and virtue enough to regulate their opposition to it by the laws, and steadily to persevere in such steps as the constitution had prescribed, to obtain redress." They acknowledged, "that the times had been made more difficult, than was necessary." And added, "that those who had made them so, had reason to

regret the injury they had done to a *sincere and honest people*: That they were happy to find the difficulties, in a great measure, removed, and hoped the province would soon be restored to its former tranquillity." They added, "The Custom Houses are now open, and the people are permitted to transact their usual business. *The Courts of Justice also must be open ; open immediately ;* and the law, the great rule of right, in every county in the province, duly executed. The stopping of the course of justice is a grievance, which this House must inquire into. *Justice must be fully administered* through the province. For supporting the King's executive authority, there is already sufficient provision in the laws ; and it remains for us patiently to wait, in hope that the humble, dutiful and loyal application, jointly made by the people of America, for the repeal of the stamp act, will be successful."

In the month of December, the merchants of Boston, and of the large towns in some other colonies, agreed to import no goods manufactured in England, unless the stamp act should be repealed, and countermanded those before ordered on the same condition. More than two hundred merchants and traders in Boston united in this determination : and the trade of Great Britain, in vending her manufactures, was materially diminished by this measure. And although upon the repeal of that obnoxious statute in March following, British goods were again imported, the amount was considerably less than before the dispute began. The prosperity both of England and America was much impeded by this arbitrary policy of the parent state. In 1767, the amount imported into Massachusetts from Great Britain, was less by £165,000 sterling, than in 1764. The goods imported were estimated at £395,000, and the exports at £375,000. But most of the articles exported were carried to the West Indies, or to ports in Europe not within the kingdom of England ; and cash

chiefly was remitted there to pay for manufactures consumed in the province.

The politicians in England supposed that the inhabitants of the colonies could not dispense with the use of their goods and manufactures. But they were greatly mistaken in the character of the Americans. They were not so effeminate as to prefer luxuries to liberty. But on the contrary, they were enthusiastically attached to civil freedom, and considered no privations too severe, so that they might preserve the rights and immunities enjoyed by their fathers.

## CHAPTER V.

Ministers complain of tumults in Massachusetts, and require compensation for the sufferers—Stamp act repealed, but claims of Parliament to tax and legislate for America still asserted—Uneasiness in the province on this account—Different opinions in Parliament as to the right of taxing America—Address to the King on repeal of the stamp act, and vote of thanks to Pitt and others—People in England alarmed by the arbitrary doctrines of ministers—House object to the Lieut. Governor taking a seat in Council—Governor and Lieut. Governor unpopular.

THE riots which took place in Boston, in August, 1765, subjected the province to severe censures in England; as it was represented by the friends of administration, that the leading patriots approved, and might have prevented, these tumultuous proceedings. And the Secretary of State for American Affairs was directed by the King to inform governor BERNARD of his Majesty's high resentment of such conduct. The formal disavowal and reprobation of these riots, by the citizens of Boston, and by the General Assembly afterwards, served to soften the royal displeasure. But the Governor was directed to recommend it to the Legislature to grant a compensation to the sufferers. The House declined making any grant for the purpose: and even on a second and urgent recommendation, postponed the subject, with a view to consult the wishes of their constituents. In this case, as in others of a similar nature, on former occasions, they considered them-

selves *free* to vote the compensation recommended by the king or his ministers; and not obliged to raise the sum because of instructions from the British government. It was in accordance with their sense of charter rights, and with the extent of the legislative authority they claimed, that they declined acting upon the first recommendation; and eventually ordered compensation rather as a deed of generosity, than of strict justice, which could give the sufferers no better claims on the province than on the government of England.\*

In March, 1766, the stamp act, which had produced so much uneasiness in the province, and given occasion to many able apologies for civil liberty, was repealed; not, however, without much debate and opposition,† and a declaration, implying the same doctrine on which that obnoxious law was founded; which was, that Parliament had a right to legislate

\* There were several considerations which operated as objections with the House to make compensation to the sufferers. They chose to consider it a gratuity, and were displeased at being *required* to do it. Though, at first, it was *recommended* to them to provide compensation, they were afterwards urged to it by virtue of direct instructions from administration, which amounted to a *requisition*, to which they objected. The manner, in which the Governor stated the claims of the sufferers, was also far from conciliatory. His language was more peremptory even, than that of ministers themselves. Besides, many of the Representatives were instructed by their constituents to oppose such grant. The bill was finally passed by a small majority; and not till a provision was inserted for a complete indemnity and oblivion respecting the authors of the riot; though this condition gave great offence to the British administration. The sum allowed Mr. *Hutchinson* for his losses was £3194 17s 6d. After the bill had passed, he desired to be admitted into the House of Representatives, and there, personally, expressed his thanks for the compensation made him, which was the sum at which he estimated his losses. It may be just to add, that the clause respecting a pardon to the rioters, was not on account of any suspicions that respectable individuals were concerned. For the riot was highly condemned by all such: and the House not only offered to assist in detecting those who had been active; but chose a committee to unite with the Governor and Council in endeavours to arrest and punish them. On inquiry, it was made probable that no man of character was active in the affair, and that it would be difficult to identify those who committed the outrage, as they were purposely disguised. A few were taken up on suspicion; but were soon released.

† See Agents Letters.



for the colonies, and to bind them in all cases whatever. The wound given to the cause of freedom in America by the stamp act, was thus attempted to be closed; but it was not healed. The uneasiness in the province, after this repeal, accompanied as it was, by such a declaration, was almost as great as when the act was in force. The repeal was generally, indeed, a subject of congratulation and rejoicing with the people. But the intelligent patriots saw sufficient to alarm their apprehensions, in the avowal of absolute and uncontrolled power in Parliament, which would prove fatal to their civil and political rights in future; and against which they had humbly, but firmly remonstrated. There was little, therefore, in this shew of lenity and condescension on the part of administration, while it asserted the right to make laws for regulating the concerns of the colonies, to any extent they might think expedient or politic.

It is natural to inquire why ministers should have consented to the repeal of an act, adopted on mature consideration, and still claimed the exercise of authority, which alone made that act so obnoxious. Perhaps, the question is not of difficult solution. A new ministry had succeeded; some change of measures was, therefore, to be expected. They were disposed to conciliate the colonies by complying with their petitions; and chose to adopt a popular measure, rather than to enforce a law, highly disgusting, and from the execution of which, only a scanty revenue would probably be collected. And yet it would have been too humiliating to acknowledge that they had been mistaken in their principles, as to the absolute authority of the British government over the colonies; and, therefore, they were careful expressly to declare their right to exercise such power, in any cases they might deem proper. In this opinion, they were probably sincere. Considering the colonies subordinate and dependent corporations, they could not conceive that they had a right to the exer-

cise of any authority, but at the will and with the consent of the parent state. They did not perceive, or were unwilling to admit the distinction made by the patriots in Massachusetts, that though in Parliament was lodged the supreme power of the nation, yet this power even must be controled and regulated by constitutional principles ; and that by the charter of the province the right was fully recognized and guaranteed to make laws for all cases of internal taxes and police. In the debate in the British Parliament respecting the repeal of the stamp act, it appeared, however, that those places which were taxed as being part of the kingdom, were permitted to be represented ;\* as it was an essential principle of the British constitution, that taxation and representation were inseparable. Several members declared their opinion, “that they ought not to lay taxes on America, while it had no share in the election of persons to a seat in the House of Commons :” and it was asserted, that the statute book abounded with judgments of Parliament, that *internal* taxes ought not to be levied, unless there was a representation of that part of the kingdom which paid ; and that those who were not represented were not taxed. In reply to this, it was pretended, by the advocates for raising a revenue in the colonies, that the House of Commons was virtually the representative body of the whole British empire, and that the subjects in America might justly be considered as represented in Parliament, although no individual from the colonies was entitled to a vote or a seat there. This was argued from the fact, that several populous cities in England had no member in Parliament, and yet being within the realm were supposed to be represented by others. Thus the principle urged by the Assembly of this province was admitted, while, in practice and in reality, it

\*The case of *Culais*, when it belonged to the British realm, was mentioned ; and *Ireland* also.

was totally disregarded. The repeal of the stamp act was no proof, that a majority of Parliament had given up the right they claimed of taxing the people in the colonies. Different considerations had influence with different individuals. Some considered the measure expedient. And, probably, the repeal had not taken place, but for the declaration connected with it, of the supreme authority in Parliament in governing the colonies. The friends of the former ministers were decidedly against the repeal, and in favor of executing the act, even by the aid of military force. Mr. PITT and some others openly questioned the right of Parliament to tax the colonies. The former made a long speech in favor of repealing the stamp act, "in which he silenced all the objections of the old ministry, and asserted the right of the colonies to internal taxation, in the strongest terms; and declared that nothing but a total repeal would answer the salutary ends in view: nay, that it was the interest of Great Britain to extend the commerce of the colonies, and open every market for their produce."\*

Although the declaration, attached to the repeal of the stamp act, was the occasion of great alarm and concern to the more intelligent statesmen in Massachusetts, it was thought proper, as the repeal was an immediate relief from pending evils, and served to tranquilize the minds of the people, to acknowledge the lenity of the British Parliament in this redress of a grievance so much complained of; and to express the loyal sentiments of the Assembly for the King and government of England. In their address† to the King, on this occasion, they say, "Your Majesty will allow us, with the greatest grief and anxiety, to express our apprehension, that your American subjects may have been represented, as manifesting a dissatis-

\* Agent De Berdt's Letter.

† This province was the first to present a grateful and respectful address to the King, on the occasion.

faction with their dependence on the parent country, and as disposed to take occasion from the lenity and tenderness of your Majesty and the Parliament, to abate of their respect and submission to the supreme legislative authority of Great Britain. Permit us, with all humility, to assure your Majesty of the great injustice of such representations. Your subjects of this province, and we doubt not of the whole continent of America, are too sensible of the blessings they enjoy under your mild and gracious government, to admit the idea of such a temper and conduct, without abhorrence. They esteem their connexion with their fellow subjects in Great Britain and a constitutional subordination to Parliament, their great privilege and security." A vote of thanks was also unanimously passed by the House of Representatives, to the right honorable WILLIAM PITT, "for his noble and generous efforts, in favor of the British colonies; and particularly for the display of his great abilities, and his assiduous and successful endeavours in procuring the repeal of the stamp act:" and the Speaker was directed to express their grateful acknowledgments also to the Duke of New-Castle, the Duke of Grafton, the Duke of Richmond, Lord Stanhope, Earl Northington, the Lord High Chancellor, the honorable Secretary Conway, the Marquis of Rockingham, Lord Edgcomb, the Earl of Dartmouth, Earl Powlett, the Earl of Shelburne, the Earl of Camden, the Earl of Egmont, the honorable George Onslow and Arthur Onslow, the honorable George Howard, honorable Charles Townsend, honorable William Dowdswell, Chancellor of the Exchequer, honorable Isaac Barre, Sir William Meredith, Sir William Baker, Sir George Saville, and George Cook, Esquire.\*

These noblemen were well grounded in the principles of civil liberty recognized at the revolution in

\* For the answers of these Noblemen, see appendix No. 2.

1689, when the dynasty of the Stuarts was put down in England, and those statesmen who advocated the rights secured to the subjects by Magna Charta, were raised to places of power in the nation. The great constitutional principles, then acknowledged, however were frequently disregarded by ministers, at subsequent periods, and through their influence, by the Parliament also. George the Third, although an estimable private character, entertained high notions of the power and prerogatives of the crown: And the administration in 1764 and 1765, was so devoted to his views, or agreed so well with him in their principles of government, that they made great encroachments on the rights of the subjects. The doctrines they advanced, though more particularly applicable to the government of the colonies, were highly alarming to the friends of liberty in England: And they, therefore, espoused the cause of America, and opposed the extravagant claims of the royal party. A partial change of administration was the consequence; and milder measures were proposed. But the friends of the old ministry were still powerful; and their influence was so great as soon again to revive the policy of governing the provinces, by the exercise of supreme and unlimited power in the parent state. There was, at this time, a great struggle for place and power between these two political parties: And it was expected the former ministers, or their political friends would form a new administration. No such thorough and formal change was effected. The royal party, exerted an influence very inauspicious to the rights of the colonies. And the conduct of ministerial agents and their friends in Massachusetts served rather to prevent than to restore perfect harmony among the people. It was unfortunate, perhaps, for the British government; it was certainly unfavorable to the tranquillity of the province, that such men as governor BERNARD, and Mr. HUTCHINSON, the lieutenant governor, who was



also the chief justice, were the official advocates for administration. Mr. BERNARD had not so much of intrigue as some politicians; but he insisted on unqualified submission in the Assembly, both to acts of Parliament and ministerial instructions; and he was so unguarded and incorrect in his declarations that he often disgusted and offended the most intelligent people: His speeches were such as called for remarks, by way of apology or vindication of the conduct of the Assembly, which were displeasing to administration and unpleasant to the royal ear. Mr. HUTCHINSON, though more plausible in his deportment, was considered very selfish and ambitious. He was not only ready to apologize for the measures of the British administration; but he was disposed to assume and exercise more power than suited the republican views of the representatives. He claimed a seat at the Council Board, though not elected a member of that body for 1766: And when the House declared their opinion of its impropriety, he still insisted on a right, and addressed a labored argument to the Governor in support of his pretensions. The Governor favored the opinion and the claim of Mr. HUTCHINSON, and produced some instances, as precedents, to justify it. But the House persevered in their objections, and pleaded that the Lieutenant Governor as such had no constitutional right to a seat at the Council Board, except on the death or necessary absence of the Governor, when he would be commander in chief; unless elected by the Representatives, as were the other Counsellors, agreeably to the provisions of the charter. They appealed to the Council Board, for their opinion; who, though not disposed to censure the Lieutenant Governor, for his having once taken a seat at the Board, were of opinion that he had no right to it; and declared to the House, that they should consider it their duty to object, and to prevent it. It was pretended by Mr. HUTCHINSON, that he did not

claim a seat for the purpose of giving any vote ; but from respect to the Governor on the occasion of his making a speech to the Assembly. But the House justly observed, that such a consideration would justify any public officer in the province, in taking a seat in that branch of the Assembly.

This conduct of Mr. HUTCHINSON was the more exceptionable, and the more displeasing to the House of Representatives, as they had purposely omitted to elect him a Counsellor for that year. He had long been a member of the Council: But it was known that his influence there was very great ; and that it was not exerted in accordance with the views of the majority of the House. His sentiments on government were not in harmony with the advocates for civil liberty in the province ; and he had, on most occasions, attempted to justify the obnoxious measures of the British administration. At the election of Counsellors, in May, 1766, the House did not choose T. HUTCHINSON, A. OLIVER, B. LYNDE, E. TROWBRIDGE and P. OLIVER ; who were of the Board the year preceding, and most of them for several years : But elected gentlemen in their room, who they believed more friendly to the liberties of the province. On proceeding, soon after, to the Council Chamber, to attend to an address from the Governor, which was then customary, they observed Mr. HUTCHINSON at the Board, as on former occasions, when he was a member. The representatives were surprised and indignant at this unexpected conduct. They remonstrated against the propriety and legality of the behavior ; nor were satisfied, until they received the official declaration of the Council, as above mentioned, that they should not permit his having a seat at the Board.

This independent conduct of the representatives, in placing gentlemen, whose sentiments and views were in harmony with their own, at the Council Board, instead of some who had formerly had seats

there, gave offence to the Governor: and he not only negatived those thus newly elected,\* but in his public address to the General Assembly, on the following day, he adverted to the circumstance with great severity and warmth; and pretended that the measure was proof of a factious temper in the representatives, and a formal oppugnation of the royal authority. This constitutional act of the House, he represented indeed as “an attack on the government in form:” and for this, he predicted, if he did not expressly threaten them with, the royal displeasure. The House justified their conduct in a firm but temperate manner; and insisted, that they had only exercised a right secured them by charter. At the same time, they observed, that it was incompatible with the public service, that the judges should form a part of the Legislature, which often interfered with the discharge of their judicial functions and duties.

On this occasion, the Council returned a separate answer to the speech of the Governor, in which he had complained of the election of some new members of the Board, and represented the measure as “a formal and direct attack on the King’s prerogative and the authority of the parent government:” In which, with great dignity and energy, they asserted the propriety of this proceeding; and repelled the unfounded charges of his Excellency with much firmness and spirit. They insisted, that a constitutional right had been exercised; and as they believed, with the best intentions and for the public good. In referring to the riots of the past year, and recommending legal provision for a compensation to the sufferers, he had more than intimated, that the Council had been remiss in their attempts to suppress the tumults; and that, with their aid and countenance, he might have detected and punished the leaders:

\* They were, S. Dexter, J. Bowers, J. Otis, J. Gerrish and T. Saunders. J. Otis, jr. was chosen Speaker this year; but not approved by governor Bernard.

They declared their abhorrence of such proceedings ; their readiness to assist in preventing or suppressing them ; their belief that the tumults were approved by no members of the government ; and their firm opinion of the loyalty and good disposition of the people at large through the province. Some excesses, they observed, would happen in free governments, especially when the citizens were oppressed ; and it should, therefore, be the care of rulers to govern with discretion and justice.

This was a most indiscreet and improper interference, on the part of the Governor, with the rights of the House : and in this, as well as in his endeavors to vindicate the Lieut. Governor, for taking a seat at the Council Board, when he had not been elected a Counsellor, his conduct was justly condemned, not only by a majority of the House, but by all impartial men in the province. In some instances, however, it must be admitted, that the House of Representatives were chargeable with a jealous disposition, which inclined them to censure the Governor without sufficient reasons. But there had now, for nearly two years, been an unhappy disagreement between him and the representatives of the people ; and in their public official intercourse there was discovered far less of a spirit of candour and magnanimity than of suspicion and crimination. The House complained, with little justice it would seem, that the Governor had ordered two acts of the British Parliament, relating to American affairs, to be printed with the laws of the province, and had also caused to be published a proclamation of the Governor of Newfoundland, stating some improper conduct in the citizens of the province, who were concerned in the cod fishery in that quarter. The motives, however, which induced them to complain of this conduct, were no doubt, highly commendable. They were anxious to resist every encroachment on their rights and privileges, by ministerial agents. And their

posterity are greatly indebted to them for the jealous concern, with which they guarded the liberties of the province.

The proceedings of the General Assembly had now become very interesting to the whole body of the people : and although important acts and reports were given to the public, through the newspapers, many were desirous of hearing the debates in the House of Representatives. A gallery was accordingly provided, by their order, in June, 1766, for the citizens who might choose to attend. There were, at this time, many able and eloquent speakers in the House. And those who listened to them must have received important information, and have had their patriotic feelings aroused in the cause of liberty.



## CHAPTER VI.

Restrictions and difficulties of trade—Custom-House Officers—People discontented—Non-importation agreements—Mutiny Act, and law for stationing troops in the province—Governor in favor of a military force—Views of government by Representatives—Dispute continues—Difference of opinion in England—Oppressive laws remain—Ministers divided—America not settled and defended at expense of Great Britain—Military increased—General Court dissatisfied and refuse to support them—Dispute with the Governor about the Agent—Good faith of the province towards the Indians—Apprehensions of Episcopacy—No relaxation of oppressive laws—Boundary line with New-York—Slave trade.

THE difficulties and embarrassments attending the commercial interests of the province, at this time, served to increase the dissatisfaction and complaints of the people. Restrictions on their trade of different kinds had existed, and been stated with hope of relief, from the year 1764. Before that period even, some acts had been passed, which had been considered unequal and burdensome: but they had not been rigidly executed. In 1764, the General Assembly stated, with much precision and force, the injurious effects of these regulations. But their objections and complaints had reference chiefly to the unconstitutionality of the laws imposing high duties by way of impost, and confining their commercial intercourse to certain countries and ports, as was then done. They remonstrated against these statutes, chiefly as infringements of the rights and

liberties of the province : and yet they failed not to speak of them as unfavorable to the prosperity of the colony, and as a great hindrance to enterprise and wealth. The duty on molasses, of which great quantities were used in the province, as well for their distilleries, as for an article of consumption among sailors, fishermen and others of the common class of people, was very oppressive ; amounting to fifty per cent. of its first cost in the West India islands. There were sixty-three distilleries in the province, where this article was manufactured into spirit ; which was also used by sailors and laborers, and sent to most of the southern colonies. With a small duty, this had been a profitable importation. And it was obtained for the poorer sort of fish, taken by citizens of the province, which would not be proper for the markets in Europe. But at the increased rate, scarcely any profit was realized from the trade. In their exportations also of fish, and the return cargo obtained for this article, they were much restricted. They were not permitted, by the acts of Parliament, to carry fish to any but British islands in the West Indies ; when a great portion would have found a ready market in the French islands ; and the products of that climate obtained on more favorable terms. They were also prohibited from bringing wines, fruits, &c. from Spain, Portugal and the Mediterranean. They were thus obliged to make circuitous voyages, which increased the costs of navigation, and subjected the trade to great disadvantages. The specie, for which their cargoes of fish sold, was remitted to England for the purchase of their manufactures. The trade between the province and Great Britain would have been much in favor of the latter, even without these restrictions : and had it been free and uncontrolled, it would have added greatly to the wealth and prosperity of the people in America. But the parent state had never regarded with a generous and fostering care, the commercial interests of

the province. They seemed jealous, rather, of its prosperity and growth. And in their narrow and selfish policy of encouraging their own trade, had often injured, not only the colonies, but eventually Great Britain herself. A great inequality existed, in the laws, on this subject, between the citizens in America and in England, which could not but give offence to the colonists. The duties on all articles imported into this and the other provinces were so high, that, with the restrictions on commercial enterprise, no profits accrued from such pursuits. And while the taxes were very great, their means were scanty for the payment of them.

This subject occupied the attention of the House of Representatives at the June session, 1766, and at that which followed in November of the same year. Several committees were appointed to consider the difficulties which existed in relation to the trade of the province; and to propose measures for remedying the evil. The merchants of Boston were consulted, and letters were addressed to the agent in England, to apply to ministers for redress. But instead of obtaining relief, new burdens were imposed. The ministry at first proposed a reduction of some duties, on these petitions and representations: but they could command but a small majority on any questions; and through the opposition of the mercantile part of the kingdom, joined to their political opponents, they were unable to alter or repeal the acts respecting the trade of the colonies, which gave so much dissatisfaction. CHARLES TOWNSEND, one of the political friends of the old administration, was made Chancellor of the Exchequer this year; and he introduced a bill into Parliament, laying duties on paper, glass, tea, and some other articles imported into the American colonies. Some trifling advantages resulting from permission to carry lumber, potash and flaxseed to Ireland, with less restrictions than heretofore, and to store sugars, which were

destined for transportation, without payment of duties, were far from giving quiet to the people, under the other restrictions and heavy duties laid on their trade.\* And the appointment of Custom-House officers, who were sent into the province from England, added much to the general dissatisfaction. The people would have preferred officers selected in the province, who would have more feeling for their fellow citizens; and would probably have been less exceptionable in the manner of executing the laws. The conduct of these officers for collecting the revenue was frequently arbitrary and insolent; and served to increase the discontent of the people on account of these oppressive acts. No doubt, there were some attempts to evade their notice, and to avoid payment of the duties required. But a few instances furnished no sufficient reasons for employing such a number of revenue vessels and officers as were put into the service, at a great expense; or for seizing and detaining vessels on suspicion, as was often done, to the great cost and vexation of the owners.†

The people and the legislators of the province had, in truth, much to alarm them, and to call forth frequent expressions of complaint. And the officers and agents of the British government were so disposed to exercise their power as to displease the more intelligent, and to give to the common people an impression very unfavorable as to the views of administration. They magnified every degree of opposition or dissatisfaction in the people of the province; and represented them to the king and ministers as factious, and wholly indisposed to all just subordination and obedience. Had these agents been prudent and conciliatory, and had ministers, at the time of repealing the stamp act, followed up that measure by others, which a consistent policy would have dictated,

\* Some new ports were also opened to them in the West Indies; but under such restrictions as afforded no great advantages.

† For, on acquittal, there was no allowance for costs or detention.

and relaxed in their restrictions on trade and in the high rate of impost duties, the colonies would probably have been long quiet in their dependence on England. The spirit of discontent grew out of the oppressive measures of administration; and not from any ambition in the patriots in America of being independent of the parent state. The demands of ministers were severe and arbitrary. The people in the colonies endured many acts of injustice and oppression. And when at length they opposed or remonstrated, such opposition had become necessary, for the preservation of rights transmitted them by their ancestors; and of which the government of England had not before attempted to deprive them.

About this period, when it was found that memorials and remonstrances were unavailing, a measure was adopted by the merchants and others, the only one short of direct and forcible opposition to the British government; which was the refusal to import and use goods manufactured in England. This was not done, so early, by any legislative act in the province; but was equally effectual, as it was an agreement among the merchants, who were disposed, in their individual capacity, to assist the patriotic rulers, in contending against the arbitrary power of Britain. From twelve to fifteen large ships arrived annually in the harbor of Boston, laden with articles chiefly of British manufactures. Other ports in the colonies also imported to a large amount. But it was now agreed by the merchants, generally, not to import any more goods from England, until the duties recently imposed were withdrawn, or greatly reduced. By this measure, they intended not only to show their disapprobation of the conduct of administration, in the restrictions and high duties laid on trade, but it was expected, that the manufacturers in England would suffer, in some degree, by a want of market for their goods; and would probably have an influence in changing the policy of ministers towards the Ameri-



can colonies. The effect produced was not so great as had been anticipated ; and administration were too obstinate, or too firm, in their purposes, to yield on account of such a partial difficulty. It is supposed, however, to have had some effect at a later period, when the resolution not to import British goods became more general. Even the females in many places were animated by a spirit of patriotism on this occasion ; and united, in their resolutions, to make less use of ornamental dress, as well as of the delicate article of tea, to which they had become much attached. So sensible were all classes of people, of the oppressive regulations of trade ; and so ready to submit to any privations for the liberties of their country.

The mutiny act, passed by the British Parliament in 1765, had, at its first publication, occasioned much alarm and apprehension to the friends of civil liberty in the colonies : for it authorized the King and his ministers to order any number of troops to America, they might think proper ; and it provided, that, in certain cases, they should be quartered upon and supported by the people. This measure was justly considered both oppressive and dangerous : and, though not carried into immediate execution, was pregnant with mischiefs, which the discerning patriots contemplated with much anxiety. This plan, it should be recollected, was connected with the system of imposing taxes and duties in the colonies, for the purpose of a revenue, to be applied by the administration of the parent state. And it was the intention, no doubt, that, whenever necessary, the military should assist in the execution of these obnoxious laws. Other considerations might, indeed, enter into the policy of ministers. They might think it important to have regular troops in the colonies, in case of another war with France : for the British were desirous of extending their territories in North America, with a view to render the kingdom more

powerful, and to open a greater field for their trade and manufactures. But the royal party in Massachusetts were known to have represented the General Assembly of this province as too favorable to the people, to assist the Executive in enforcing oppressive laws; especially those, which, it was believed, Parliament had no just authority to enact for the colonies; and to have suggested the necessity of a military force. The intelligent patriots of Massachusetts believed that the legitimate powers of government might be duly exercised, without such aid; and they considered the arrival of regular troops, to be stationed in the province, as a measure of dangerous tendency. In the autumn of 1766, several companies of royal artillery arrived in the harbor of Boston; and it was reported that more had been ordered. As the General Court was not in session, when they arrived, the Governor, by advice of Council, directed that provision should be made for them, at the expense of the province, although there was no law of the Provincial Legislature for it. This was viewed as an infringement on the rights of the representatives, who had the sole constitutional authority, as they contended, of raising and appropriating the public money: and when they met in January, 1767, they complained of this conduct to the Governor and Council. The Council referred the House to the Governor, for the reasons on which provision had been ordered for the British troops, as it was done under his particular direction. When inquiry was made of him on the subject, he stated the necessity of the case, as on a former similar occasion; and referred also to the mutiny act for authority; which provided that the several colonial governments should maintain the troops stationed in their respective provinces. But this was far from giving satisfaction to the House, who claimed the right, the act of Parliament notwithstanding, of voting all monies to be paid by the people of the province, and

to determine also for what specific purpose it was to be applied. And they argued, with much reason, that, otherwise, the Executive might subject the province to an expense of an incalculable amount, without the consent of the representatives, who must therefore raise money to meet it, however they might disapprove of the object. Here indeed was involved the great principle, of the right of the British Parliament to tax the subjects in the colonies, which they had been long resisting. This, therefore, was a new source of complaint and irritation: And the general discontent was increased by a full belief, that it was by the recommendation of the Governor and his political friends, the troops had been sent over. In this insidious plan, they saw a foundation for perpetual collision and dissatisfaction; and the preparation of means to enforce the most arbitrary laws; and to have a regular military power, distinct from the legislative and civil authority of the province, to empowerish and enslave the people.

As there was a report that more troops had been ordered into the province, the House inquired of the Governor whether this intelligence was correct. He informed them, that he had no official notice of any augmentation of the military to be stationed in the province. It afterwards appeared, however, that he had reason to expect them, as he had then represented to ministers, that a greater number of troops would be necessary, and had informal notice, that more had been actually ordered.

While such suspicions rested upon the Governor, the principal agent of the British administration in the province, and while such was his official conduct, ready at all times to execute the most oppressive acts of Parliament, however displeasing to the people; it was not strange that a spirit of alienation and a disposition to complain were still manifested. In his address, however, to the General Court in January 1767, the Governor refrained from all invective;

and, it would seem, was purposely concise, to avoid giving occasion for bitterness or crimination. He recommended to them, "to make the support for the authority of government, the maintenance of the honor of the province, and the promotion of the welfare of the people, the chief objects of their consultation." He added, "these are duties common to us all; and whilst they are truly pursued, there can be no room for disagreement or dissatisfaction." But the House of Representatives, with feelings deeply engaged in favor of the rights and liberties of the people, were not satisfied with a reply expressed in such general terms: and, as they lost no occasion for declaring their sentiments on this interesting subject, gave their views of the authority of government more at large. "By the authority of the government, this House understand the charter rights and power of the General Court or Assembly of this province, and the several branches of the same; and the powers, with which the civil officers of the province are by law vested. While the members of the Assembly firmly maintain those rights and powers, and the body of the people steadily and vigorously sustain and protect the civil officers in the exercise of their respective powers, in the full execution of the good laws of the province, and the discharge of their several trusts, whether judiciary or ministerial, we apprehend the authority of the government is then supported. It is necessary, for the support of this authority, that the House of Representatives well inform themselves of the true extent of those rights and powers; and sacredly adhere to their own rights, as one branch of the Legislature: That they zealously assert the rights of their constituents, the people of this province, without transgressing the bounds of their own power, or invading the rights and prerogatives of the other branches of the government: And that they endeavor, that the body of the people be well acquainted with their natural and constitu-



tional rights and privileges ; and the liberty, safety, peace and happiness which they will not fail to enjoy, while the General Assembly is protected in the due exercise of their rights and powers ; and the laws of the land have their free course, and are faithfully and impartially executed. This is our apprehension of the authority of government ; and it would be unpardonable in us ever to lose sight of it. If, in recommending the support of the authority of the government, it is intimated that the executive power is become weak and calls for the aid of the legislative, and that an ill temper and a factious spirit prevails in the province, so as to require severer methods, we can, with great satisfaction inform your Excellency otherwise. We assure you, that a disposition in the people to yield all due obedience to his Majesty's authority and the laws of the province, renders it altogether unnecessary, that any extraordinary methods should be taken for that purpose. We cannot promise, that there will be no disagreement or diversity of sentiments in subjects which may come before the General Court : This is scarcely to be expected in a free Assembly. In such cases, this House, as they ever have, will consider their own honor concerned, to debate with candor, and to decide with judgment. While the true end of government is kept in view and invariably pursued, in the several departments of it, the honor of the province and the welfare of the people will be maintained and promoted ; and there can be no room for dissatisfaction. Had your Excellency any command from his Majesty to lay before us, we should attend to it with the utmost loyalty and respect ; persuaded that our gracious sovereign will require nothing of us but what is just and wise. When you shall be pleased to communicate any thing to us, as a proposal of your own, we will duly consider its nature, importance and tendency : and act agreeably to the best light of our own understanding."



The dispute between the British government and the colonies, which had existed for nearly three years, with some occasional suspension, was still maintained. And although, there had been some reasons for those, most desirous of a reconciliation, to indulge the hope of a speedy and permanent agreement, as to the rights and authority of each, there was nothing to justify such a belief, with the more intelligent politicians. The claims advanced on each side, with great pertinacity, could not easily be reconciled: And there was no probability that either would yield. The wise and patriotic statesmen in England, who were attached to the principles of the constitution, and who were friendly to the best interests both of Britain and America, openly condemned the policy which had been adopted for taxing the colonies; and predicted the mischiefs which would ensue.\* But a majority of those, who directed the affairs of government, had different views of the importance and strength of the colonies; and it was their policy to cherish the peculiar interests of England, and to consider their subjects in America as shut out from an equal share of attention from the parent state. The pride of opinion, too, probably, had an influence in confirming them in the system they had adopted. They assumed, without hesitation, the absolute supremacy of the British Legislature; and nothing was to be endured, which militated with this favorite maxim. They might, indeed, in certain instances, relax in their measures, when found to be unattended with the advantages expected to arise from them. And for these, they could claim the praise of a generous indulgence, while they still adhered to the principle of legislative omnipotence, which was the foundation of all their des-

\* Hon. T. Pownall, a few years before the governor of this province, as well as Mr. Pitt, was among those statesmen, who declared such opinions.

potic proceedings. To this doctrine, the patriots of Massachusetts could not assent, but in a qualified and restricted sense, as has been before stated. Although they would not have kept alive the controversy with England for a mere claim, or declaration of supreme power in Parliament; yet, when such a power was attempted to be exercised, by enacting or executing oppressive laws, they were too true to themselves and to their posterity quietly to submit: And disposed, as they were, to assert and maintain their charter rights, agreeably to their wonted construction of them, it was not to be expected, that complaints and opposition would wholly subside. A claim had been set up, by the parent state, which the people of the province disallowed; and neither the administration in England nor the General Assembly of the province were prepared for a concession, which would give satisfaction to the other. In obedience to instructions from the British ministry, the Governor was frequently making demands, with which the representatives of the people could not comply, without a criminal abandonment of their rights and liberties.

Besides, the subject was of such a nature, as to engage the attention of the greatest statesmen in England, either in favor or against the conduct of administration towards America: For it involved political principles highly interesting to all the subjects of the British Empire. If the people in the colonies could be taxed and governed by virtue of laws, in which they had no voice even by their representatives, it might serve as a precedent for subjecting the people of England to statutes and orders passed by the king and his ministers, without the consent or knowledge of Parliament. This view of the question was taken, by several distinguished statesmen in Great Britain.\*

\* On the motion in Parliament to repeal the stamp act in February, 1766, Mr. Pitt said—"It is my opinion that this kingdom has *no right*

In this state of public opinion in England, and with such a diversity of sentiment among the politicians there, it could not be otherwise, than that the conduct of administration should be vacillating and changeable : And that their policy, in some respects, would have the appearance of greater or less firmness in supporting a system for governing the colonies. The ministers, who in 1764, began the system of raising a revenue from America by taxes and imposts, were opposed by a respectable minority, without particular regard to that part of their policy : So that, when complaints were made against them from the people in the colonies, there was a party in England ready to support the opposition, and to exert themselves for a change of administration. The ministers, who succeeded, and discovered a more favorable disposition towards the colonies, were not so firmly grounded in the public confidence even in England, as to effect or attempt all they desired ; or materially to change the policy of the parent government in regulating the American provinces. Indeed the opposition to them was very powerful whenever they proposed any relaxation of former severe measures : Nor were they able to carry into effect the plan they had formed of taking off the restrictions on the trade of the colonies, of which their legislators and merchants had loudly complained ; and which operated as a severe check upon the enterprise and wealth, particularly, of the more northern provinces.

In 1766, an effort was made towards a thorough change of administration ; but without success. In 1767, a partial alteration was effected. But the opposing parties were so nearly balanced, that nothing of a decisive character was accomplished. Thus an

to tax the colonies. *We* give and grant to his Majesty, the property of his subjects in America ! It is an absurdity. The Commons of America, represented in their several Assemblies, have *ever* been in the exercise of this their *constitutional* right of giving and granting their own money. And they would have been *slaves*, if they had not enjoyed it."

opportunity was given, for the colonists to fortify their claims of exemption from the all-controlling power of the parent government. Massachusetts availed herself of this state of affairs; and suffered no occasion to pass, without explaining and asserting the rights secured to the people by their charter, and enjoyed from the earliest settlement of the province. They continued to remonstrate against acts of Parliament, restricting their trade; and declined raising money from their constituents, for the support of regular troops sent into the province, although the Governor had incurred the expense, in compliance with ministerial instructions.

When it was pretended by the British ministers, as a justification of their measures, that our charter was granted by Parliament, and the infant settlement planted, and afterwards protected at their expense; that the war then recently terminated, had been waged on our account; and that we ought in justice, and were fully able, to pay for the expenses of it: It was replied, that the charter and grant were from the King, and that he relinquished merely such title and claim as he might have to it, because of its discovery by Englishmen; that our ancestors purchased the territory, from time to time, of the native proprietors of the country; that the parent state never, as a government, was at any expense for its settlement, but that it was effected by the toil and patience and sufferings of the settlers themselves; that the war of 1756 was undertaken for the interest and extension of the British Empire; that the people of the province were at the expense of a large army to assist the parent country, for which a heavy debt existed against them, and in providing for the payment of which, the taxes would be very burdensome, without any additional assessment.

The patriots of Massachusetts gave a wakeful and constant attention to the laws of the British government, and to the conduct of its ministers relating



to America. They noticed the earliest measures of administration, which interfered with their ancient rights; and were the first to point out and remonstrate against the unconstitutional claims advanced, of regulating the internal affairs of the colonies. And it was not to be expected, that they would cease their opposition to Parliamentary legislation, so long as it was attempted to be exercised beyond the great principles of Magna Charta, or the express provisions of their own charter. In their efforts to defend the liberties of the American colonies, they were promptly seconded by the patriotic resolutions of some of the other colonial Assemblies. Virginia, Pennsylvania and New York, gave timely proof of their purpose to maintain their civil rights and privileges. Determined, however, as was the Assembly of Massachusetts, to neglect no exertions for the support of freedom, on all these occasions of oppression, from an arbitrary or mistaken ministry, they yet expressed the most loyal sentiments towards the King, and a readiness to submit to all constitutional acts of Parliament: and they were sincerely desirous of continuing their connexion with the parent state. A series of oppressive measures had, indeed, produced a spirit of jealousy and discontent; and they had also learned that the British administration was not infallible. But had the government of England given up its policy of *internal* taxation in the colonies, and been satisfied with that degree of control exercised over them previously to 1764, the subjects of Great Britain on this continent would have long been quiet and obedient. The right of Parliament to regulate trade had never been directly called in question; and while reasonable duties and imposts were demanded, would probably have been borne, without opposition. This power, even, might have been exercised in an unwise and oppressive manner, so as to injure the growth of the colonies: but was not a direct and absolute interference with the prop-



erty they already possessed. They would have given up a lucrative branch of trade, or endured some restrictions on maritime adventures abroad, or denied themselves the use of some articles of foreign growth, for which they were liable to pay a heavy duty. But to have the property they had acquired, and the lands they had subdued, by labor and toil, subjected to a tax by persons in a distant country, wholly uninterested and ignorant of their situation, was a condition little removed from slavery, to which they were not prepared to submit. It were unreasonable then to look for a spirit of entire acquiescence and satisfaction in the colonies, so long as the British administration persevered in the new system of governing America; and their friends now began to intimate that a military force was necessary to maintain the authority of government. Direct internal taxation was not, indeed, resorted to: but new duties were imposed on trade, and a revenue was to be raised by taxing various articles of manufactures and produce, brought into the colony from other countries. And, what was yet more alarming, the military was to be augmented, to give greater strength to the executive power; and many of the first officers in the province, it was proposed, should receive their salaries from the parent country; thus becoming wholly independent of the people whom they were to govern, and from whom, eventually, the revenue was to be derived for their support.

It was a great mistake in administration to employ a military force in the colonies, to aid in the execution of the laws. Nothing short of an actual rebellion could justify such a measure. It served to irritate the people, and to destroy their confidence in the justice of the British government. The citizens of Massachusetts had always been distinguished for loyalty: and ministers should rather have suspected the justice and propriety of the regulations which they had adopted, than resorted to a remedy so

liable to objections; and never to be used but in cases of absolute necessity. They had been deceived as to the character of the people, who were fully disposed to comply with all laws not evidently contrary to the provisions of their charter, and to the principles of the British constitution; but whom threats would not deter from a resolute purpose to preserve their civil liberties. Their ancestors had hazarded every thing and suffered every thing in the cause of freedom. And the men of that age inherited a good portion of their noble spirit. Although they then sought not a political separation from Great Britain, they had probably already resolved to maintain their liberties, whatever dangers might be involved in the contest. They were aware that a military force had been the usual instrument in the hands of despots, for enslaving their subjects: and that whenever they were beyond the direct control of civil authority, law and liberty would be prostrate. They endeavored, therefore, to prevent the stationing of regular troops in the province, by earnest remonstrances, as well as by strong professions of loyalty to the King, and of a readiness to support the just authority of government. We shall see, that their apprehensions were too well grounded; and that attempts were afterwards made, by the military, far removed from the immediate authority of the parent state, and not duly subject to the civil power in the province, to awe the people into submission to arbitrary and unjust statutes. An addition was made, in June, 1767, to the British troops, already placed at the castle, in the harbor of Boston; and the Governor requested that provision be made by the General Assembly for their support. The subject was referred to a very large committee: a proof that it was considered a matter of great concern by the representatives. It was many days under deliberation; when it was resolved by the House, “that such provision be made for them, while they remain

here, as has been *heretofore usually* made for his Majesty's regular troops, when *occasionally* in the province." The great caution, with which this resolution was drawn, shews how reluctant they were, at having a military force placed in the province; and how anxious they were not to compromise their legislative rights, nor to furnish a precedent for the repetition of such a dangerous measure, in future. It was by authority of the mutiny act, passed in the British Parliament, some time before, that the request was made for supporting the troops. But that statute provided merely for supplying them a short time, and while on their way to some fortress on the frontiers, where they were to be stationed. It was an abuse of the law, and in violation of the rights of the subjects, that ministers ordered troops to be permanently placed in the province, in the time of peace; and required that they should be supported by the people.

Another instance of the jealous care with which the representatives guarded their rights, occurs in their remonstrance against the conduct of the Governor; who, either from arbitrary views, or from a degree of inconsideration wholly inexcusable, interfered with the legislative authority of the Assembly, in dismissing agent JACKSON from their service. Mr. JACKSON had been in the agency two years; and had before been employed as counsel by the other agent. The House were fully satisfied with the ability and zeal of DE BERDT, in this capacity: and although JACKSON was an able statesman, he was known to be a frequent correspondent of the Governor, and was suspected of having the same political views: and therefore not so likely to represent faithfully the sentiments of the patriotic party in the province. Whether their apprehensions were well founded, or not, they chose to dismiss him from the agency. The Governor would not give his consent, (which was necessary, as the appointment was by

authority of the province) though repeatedly requested, both by the House and Council. And when, at length, after several applications, he reluctantly yielded to their wishes, he made it a condition, that the Assembly should make an honorable compensation; and that it should be granted previously to his dismissal. The House considered this an unjust interference with their peculiar powers, and an arbitrary dictating to them what they ought to grant on the occasion. Their address to the Governor will shew how tenacious they were of the rights of their constituents. “Your Excellency seems to be desirous of the release of Mr. JACKSON; and it is surprising you should delay signing the vote for his dismissal, especially when the sense of both Houses has been repeatedly declared. The Parliament of Great Britain is the first great Council of the King and of the nation; and no wise and virtuous prince has ever thought proper to act a counterpart to their unanimous advice. A proportionate degree of attention, on the principles of our excellent constitution, we have a right to expect. But you have been pleased to intimate the reason of your delay, by saying, that the House should consider that payment and dismissal ought to go together. This, we are constrained to say, implies a new and strange demand. If your Excellency intends to withhold your assent to the resolve of the two Houses, till we shall take into consideration an adequate reward to Mr. JACKSON for his services, we shall have just reason to complain of it as an unconstitutional exercise of your power, and in breach of the privileges of the House. It is the undoubted right of the House of Representatives to take their own time to transact any part of the public business; and in granting money, they are not to be controled. Your Excellency, in tacking together payment and dismissal, and intimating your expectation of our compliance with the one, as a condition of your consenting

to the other, gives us the idea of a composition, to which we are by no means inclined. You might as well, in our humble opinion, demand a certain sum, and that much beyond the merits of that gentleman's services in the estimation of the House, as a condition of your consent to his dismissal. But however desirous we are, that this event may take place, we are not disposed to purchase it, at the expense of our privileges, as well as of our money. Your Excellency makes mention of the moderation and honor of Mr. JACKSON. It is enough that we preserve our own. We know that it belongs of right to a House of Representatives to be so far free and independent judges of the merit of the servants of this government, as to determine an adequate reward for their services, be they ever so important. When the demands of Mr. JACKSON shall come properly before us, we shall take care to do him strict justice."

A report of the General Assembly, made in June, 1767, respecting the conduct of this province towards the Indians is highly honorable to our ancestors: and the statement is believed to be fully supported by facts. It was prepared by a joint committee of the Council and House of Representatives, on a message from the Governor communicating a letter from Secretary SHELBURNE, and making known his Majesty's pleasure, that his proclamation of a former date, relating to the Indian trade, be strictly observed. In the letter of the Secretary, he observes, that complaints had been made, from the Indians in some of the colonies, of encroachments on their lands, &c. "We are satisfied," say the House, "there are no complaints against this province by his Majesty's Agents for Indian affairs; and that no settlement has been made or attempted by us, without proper authority. It is with much pleasure, that we remind your Excellency, and inform the world, that greater care was taken of the Indians by our pious ancestors during the old charter, and by this



government under the new, even to this day, than was ever required of us by the British government." They referred to a law made in 1633, by the colony of Massachusetts, to prevent all frauds and injustice in trading with the natives and purchasing their lands; and to the early regard bestowed, in providing instructors and ministers of religion and houses of worship for them: and to a subsequent act, which made it the duty of magistrates and jurors to see justice done them, by any who should commit trespasses upon their property or lands. "The Indians," they add, "had perfect confidence in this government, and applied to it in all their difficulties. Nothing hath been omitted by the province, since 1633 to this day, which justice or humanity required, for their interest within this jurisdiction. We glory in the conduct of our government; we make our boast of it, as unexampled; and we have been free and spontaneous on our part. We assure you, that, being animated by the same principles with our ancestors, we shall do every thing which duty to the King and the maxims of good policy, of justice and equity to the Indians can require. And we persuade ourselves, you will make these representations to his Majesty and his ministers."

Among the plans in contemplation, at this period, which gave much anxiety and alarm to the people in Massachusetts and in most of the other colonies, was that of establishing Episcopacy in America, under the patronage of the church of England. Although there was no cause, perhaps, to expect a direct and immediate interference with the Congregational and Presbyterian societies, which were a large majority, or with religious liberty in general; yet there was an apprehension, that if Bishops were appointed by the British government to reside in America, and to have the particular countenance and support of administration, the consequences would soon prove highly injurious to other denominations of Christians

in the colonies. Much was written and published on the subject in this province. Distinguished laymen, as well as clergymen, deprecated the proposal. For the civilians of that day were generally men of great piety, and warmly attached to religious freedom. The agent in England was instructed to present a remonstrance against the measure : and in this, he had the co-operation of other American agents.

At the session of the Legislature, which commenced the last of May, 1767, for the choice of counsellors, the organization of the provincial government for the year, and for such other public business as required attention, or was necessary for the ordinary regulation of civil affairs, nothing occurred of sufficient importance to change the condition of the people, or quiet their minds as to the measures of the British ministry. Administration had advanced no new claims : nor had it relaxed, in any instances, in the policy lately pursued. The high duties on articles imported into the colonies and the restrictions on their trade were continued, although repeatedly shewn to be oppressive in their operation and unfavorable to the prosperity of the province. This effect was particularly felt by Massachusetts, in which was a greater proportion of citizens concerned in commercial adventures, than in the other colonies. This province was also burdened with a heavy debt, occasioned chiefly by the expenses of the campaigns from 1755 to 1762.\* There was very little specie in circulation, large quantities having been remitted to England to pay for her goods and manufactures. The people, therefore, on the one hand, still complained of the policy of administration, by whom their trade was restricted and the high rate of imposts required : and, on the other, ministers were made to believe, that the inhabitants of Massachu-

\* Massachusetts spent £450,000, in three years, for the support of troops, which served with the British army.

setts were unruly, and factious; averse from that spirit of submission, to which the supreme authority of Parliament was entitled. The Governor represented to the administration in England, that he was not treated with the respect due to the public agent of the crown; and that it was difficult to maintain his authority and execute the laws, without the assistance of a military force. Far from attempting to conciliate the people or the Assembly, he was always forward in the exercise of his official power, to its extreme limits, however it might interfere with their opinions and wishes. He objected, as the preceding year, to the election of several counsellors,\* regularly chosen by the Assembly, for no other reason than that of their attachment to the rights of the people. In his speech to the two Houses, he observed "that he had no particular commands from his Majesty to communicate: But he would recommend to them to endeavor to restore mutual confidence and unanimity to the General Court: that his powers was derived from the same source as their privileges; and that the full exercise of them, he presumed, would not justly give offence: but it being his desire to temper his authority with moderation, he should rejoice at every opportunity to manifest such a disposition." He advised them to make all possible despatch of the public business, and suggested that long disputes were expensive to the people. The House, in reply, declared their ardent wish for mutual confidence in the several departments of government; and said, that during a long period of calamity and distress, they knew of no act of the Assembly which tended to interrupt a general harmony. They acknowledged, "that there was a deep concern among the people, that after they had shewn the greatest loyalty, it was represented to the King

\* These were Col. Otis, S. Dexter, J. Gerrish, T. Saunders, and J. Bowers, Esqrs.

that a degree of ill temper remained in the province." And they informed the Governor, it would serve greatly to quiet the minds of the people, if they could be authorized to assure them, that he had not made such representation. They were convinced, they said, "that he would not decline the full exercise of his constitutional powers; nor did they desire it." But they intimated, that there might be an indiscreet use even of legal power; of which they had a right to form their own judgment. "They were sensible there were matters of great concern to the province, which would properly come before them. These, they should despatch in as short a time, as due deliberation would permit. They regretted, that the disputes of the last year were necessary: if they were unusually protracted, it was not the fault of the House; as the rights of the people were intrusted to them, it was their indispensable duty to maintain and defend them. They hoped none of them would be called in question; but should that be the case, they were bound to contend for them; and should not, therefore, think the dispute, on their part, unnecessary, nor the time employed in it mispent." The spirit, which dictated the foregoing address of the Governor, and the remarks of the House, in reply, furnishes no reason to expect mutual confidence and good will between them. While they claimed the rights of self-government, and he, as agent of the British administration, was determined to "decline no exercise" of what he pretended was his "legal prerogative," the hostility must remain. The Governor was, indeed, justified in all his conduct, by the ministry and the King, in so far as it was represented to them. But it is to be remembered, that he and his friends in the province gave a colouring to public transactions most favorable to his conduct and most reprehensible of the people. The administration were resolved to put down all opposition in the colonies. They were determined to raise a revenue in

America; if not by internal taxation, certainly by excessive duties on commerce. Any complaint against the plan was to be met only with rebuke and threatenings; and new imposts were to be required, which were to be applied to the support of numerous crown officers, and of a greater military force, to aid the civil power in the execution of such oppressive statutes. The plan had long been in agitation: BERNARD, HUTCHINSON and some others in the province, were in favor of the measure.

This year, commissioners were appointed, on the part of the province, and also by the colony of New York, to settle the boundary line between the two jurisdictions. There had been a dispute on this subject, for many years; and acts of violence had been committed by the people of both governments living near the borders. It had become difficult to execute civil processes: and many of the citizens inhabiting there refused submission to the lawful authority of one or the other, as was supposed to be for their interests. It was some time before the commissioners agreed, as to the principles, in determining where the dividing line ought to run. They met several times, at a place twenty miles east of Hudson's river, where it was generally contended the line ought to be fixed: they also met at Albany and Hartford repeatedly, to settle the question. In 1769, they agreed, as to the distance from the river, the boundary ought to be between the two colonies: and their opinion was approved by each government; and surveyors appointed to ascertain and mark the line. But difficulties still occurred: even in 1773, the subject was not finally settled, though it was generally known where the boundary line was fixed. And it was after the war of the revolution, before it was decided, so as to put the dispute entirely at rest.\*

\* In February, 1768, the General Court passed a resolve respecting Woodstock, Suffield, Enfield and Somers, the inhabitants of which, in 1749, revolted from the government of this province. These towns



Excepting lumber of various kinds, pot and pearl ashes were the chief articles of exportation from this province to Great Britain. It became important, therefore, to encourage and regulate the manufacture of it. The attention of the General Assembly was repeatedly directed to the subject in 1766 and 1767: several committees were appointed to inquire by what methods it would be made more pure and valuable; and also for the purpose of preventing all fraud in the manufacture and sale. They consulted chemists in England, as well as persons in America, who had experience in preparing it. And a law was passed in June, to secure and promote these objects.

Attempts were repeatedly made, during the year 1767, to repeal an act passed in 1750, prohibiting stage plays and other theatrical entertainments: but without avail. A majority of the members of the Legislature believed that such exhibitions had a tendency to corrupt the morals of the people, and were inconsistent with the sober deportment, which Christians ought to maintain. The views and manners of a people are best known by such acts of

were considered and acknowledged by Connecticut to belong to Massachusetts, by virtue of a special agreement, made and ratified by both colonies, when the lines were run and fixed between them in 1713. At the time above mentioned, they declared themselves to be within the jurisdiction of Connecticut, and refused to pay taxes or obey any precept from Massachusetts. This was supposed to be in consequence of the greater portion of taxes they would be liable to pay in the latter than in the former government. It was stated in the resolve, that these towns had been first settled and always protected at great charge by Massachusetts: that they belonged to this province by solemn compact and agreement: that Connecticut, at first, disclaimed all agency in the revolt, but afterwards *artfully* set up new bounds for the counties of Windham and Hartford, in order to support and justify their right to these towns; and that a long war had prevented this government from compulsory measures. But it was now declared by the General Assembly, that these towns ought at all times and from thenceforth to be considered within the limits and under the jurisdiction of this province; and all officers were required to take notice of the resolution. But the opinion and claim of Massachusetts were disregarded; and though some disputes took place, from time to time, between the officers of Massachusetts and the inhabitants of those places, they have ever since continued under the government of Connecticut.

legislation. This transaction, therefore, is worthy of record.

The sentiments of the citizens of Massachusetts on the subject of the slave trade, at this period, are to be collected from the fact, that a bill to prohibit this inhuman traffic, was introduced into the General Assembly, and received the sanction of both Houses ; but the Governor declined giving his signature to it ; and it did not, therefore, take effect as a law ; and yet public opinion was clearly against any permission to import negroes into the province. The Governor had been instructed by administration not to assent to such a law. Whether such instructions were given through the influence of British merchants, or from a wish in ministers to encourage the growth of West India products, by the labor of slaves, with a view to the general prosperity and wealth of the kingdom ; they afford melancholy evidence, that considerations of interest and power are often superior to those of justice and humanity. There were some Africans, then in the province, who were held in unjustifiable bondage. But the inquiry which had been instituted respecting the natural and unalienable rights of man, led many to doubt the propriety of keeping them in such a degrading situation. There was a very general expression against slavery as most unjust : and many respectable citizens declared their willingness to give freedom to their slaves, if it should be deemed consistent with the public welfare. Afterwards, in the time of governor HUTCHINSON, three several attempts were made by the Assembly of Massachusetts to prohibit the slave trade : but he did not consent to the bills prepared on the subject ; and no law was ever passed, under the provincial government, interdicting this most disgraceful traffic. As correct views of civil liberty prevailed, a desire was strongly expressed in favor of the Africans, who were held in bondage within the province. Many gave up their claims to the

service of their black servants, over whom they had formerly exercised a similar control as over irrational animals. In general, they were treated with more mildness and humanity; and in some instances, where recourse was had to legal prosecution, they were released from the arbitrary control of those who had restrained them.\*

\* It appears by the public records for 1753, that there were then 2720 black slaves in Massachusetts—1200 of whom were in the county of Suffolk.

## CHAPTER VII.

State of Province in 1767—Views of British Cabinet—Firmness and patriotism of Representatives—General Court adjourned, meeting in Boston—Non-importation—Instructions to their Representatives—General Court in January, 1768—Petition to the King—Letter to Agent—To British Secretary of State—And to Assemblies of the several Colonies—Distinction between Internal Taxes and Imposts—The latter also complained of—Grievances stated—Claim exemption from Taxes—Communicate proceedings to other Colonies—Governor abused in public papers—Makes complaint to the House—House also complain of his misrepresentations.

IN referring to events of a political nature, which occurred in Massachusetts, during the period of three years, we have seen that her citizens were intelligent, loyal and patriotic ; well acquainted with their rights, and able and resolute to maintain them ; attached to the parent state, and ready to submit to all requisitions, which were not in violation of the express provisions of their charter, or the unalienable privileges of Englishmen. They asserted their rights with great moderation, and they remonstrated against the oppressive measures of the British government, with equal firmness and loyalty. They allowed the supremacy of Parliament, as the highest legislative authority of the whole empire ; but contended that this, even, was controled by the principles of the constitution, and the eternal rules of justice and of right. They acknowledged allegiance to the crown ; and cherished all the affection and respect for the

King, which were due from loyal and free subjects. Convinced, however, that the encroachments on their ancient privileges and the acts of the British ministry, from a mistaken policy or an arbitrary and selfish spirit, whose only object was the wealth and power of the parent country, at the expense both of the prosperity and liberty of the colonies, were as unjust as they were severe; they opposed, by petitions, by arguments and remonstrances, this oppressive system. They did not aim at independence: They did not wish a separation from the parent state. But they contended for the right of self government, with an ardor and ability worthy of the sacred cause, in which they were engaged.

There were times, when they had a hope that their rights and liberties would be secure, and that the severe measures of administration would be discontinued. They knew that many able statesmen in England advocated their cause; and that a majority of ministers, for a season, were in favor of a more just and mild policy. Of this they had evidence, in the repeal of the stamp act, in a proposal to remove some of the restrictions on the trade of the colonies, and in forbearing to impose internal taxes. But administration had powerful opponents; and were too fond of their plans, or too much under the influence of those who were supporters of arbitrary power, to adopt decisive measures for the relief of the colonies. After various and contrary proposals for regulating the concerns of America, and after a new organization of the Cabinet in July, 1767, it was determined to continue the commercial restrictions, the evils of which had long been felt and complained of in Massachusetts; to levy imposts on other articles brought into the colonies, for the purpose of raising a revenue, to be applied under the direction of the British ministry; to increase the officers for collecting the revenue, and to give them additional powers; to pay them, and the Governor and judges, without



the consent of the colonial Assemblies ; to augment their military force, and revive the mutiny act, with additional clauses of severity : and thus to convince the Americans, that they must submit to any laws or regulations which they might impose ; which was in effect a renewal of the declaration, made on the repeal of the stamp act, that they had a right to bind the colonies in all cases whatever.

The intelligence of these views and designs of the British government, which reached Boston in September, produced a great sensation among the people. A spirit of concern and anxiety pervaded the province, as deep and strong as at the time of the stamp act. It was fully apparent, that the measures proposed, if carried into execution, would impoverish and enslave America. Many articles now subjected to duties were considered almost as necessities ; the regulations on trade prevented all prospect of gain ; the little specie in circulation would soon be drawn from the province, for the payment of imposts ; their own debt was great, and they were also suffering the mischiefs of a depreciated paper currency. Degradation and ruin imminently threatened. The exigency called for united and resolute efforts : And the disinterested patriots of that critical period were not wanting in fidelity to their country and posterity.

The General Court of the province which stood adjourned to September, had been further prorogued to December ; and though the representatives from the town of Boston, always attentive to the public welfare and glowing with noble ardor in the cause of freedom, had requested the Governor to call it together at an earlier day, as the state of the province imperiously required, he declined adopting so reasonable and prudent a measure. In November, a meeting was holden, by the citizens of the capital, to consider the situation of public affairs. The Assembly was ably and feelingly addressed ; resolutions were adopted to encourage "industry, economy and

manufactures ;” and a large committee was appointed to obtain subscribers to an agreement for discontinuing the importation of British goods, and to refrain, as much as possible, from the use of all articles which were superfluous and unnecessary. Most of the inhabitants subscribed to the agreement.\* It was recommended to the people through the province to attend more to the manufacture of linen and woollen cloth ; which it was said, with due attention, might be wrought to such an extent, as to supersede all foreign importations.† Most of the towns in the vicinity of Boston, and many in the interior of the province, adopted similar resolutions and entered into similar agreements with the citizens of the capital. The plan was also adopted in Portsmouth, Providence, New-York, Philadelphia, and in some towns in other colonies.

At a subsequent meeting of the citizens of Boston, instructions were given to their representatives in the General Court, by a reference to which, the feelings and views prevalent among the people of the province will be fully manifested. They stated, that most of the importations, on which duties were required, were not superfluities ; that the debt of the province, occasioned by the late war, was almost insupportable ; that their trade in most branches was burdened with duties and restrictions : And enjoined on them to use all proper measures to encourage manufactures and to recommend economy. They declared, “ that they had nothing more at heart than to maintain a lasting friendship and union with Great Britain.” They urged them “ to be careful to frustrate all designs to create jealousies and divisions ; to examine all acts of Parliament and compare them

\* The committee chosen for this purpose consisted of J. Rowe, S. Austin, E. Payne, H. Inches, &c.

† The newspapers of that period mention several instances of very respectable families appearing afterwards in a costume plain and undorned ; and substituting other articles of refreshment, for teas, wine, and fruit of foreign growth.

with the rights of the province recognized in the charter: and to consider the injury to civil liberty, as well as to the prosperity of the people, from the exercise of the legislative authority of Parliament, in which they were not represented, in laying duties and raising a revenue." They desired them to reflect, "whether the power claimed by the British government, of imposing such heavy duties on most articles of importation, could be justified upon the pretext of regulating trade; and whether this mode of raising a revenue, was not, in fact, as unjust, as laying internal taxes." And they hoped, "such representations would be made by the Assembly, at the approaching session, to his Majesty, of constitutional and charter rights, of the hardships and grievances they suffered by the late acts of Parliament, and also of their loyalty and affection to the King, and of a constitutional subordination to the supreme legislative power of the nation, as would be likely to prevail with ministers to discontinue these severe measures."

The conduct of Bostonians, on this occasion, was as temperate and prudent, as it was firm and patriotic. Every precaution was taken to prevent riot and tumult; which many feared and some encouraged. The passions of the people might have been easily inflamed to acts of violence. The law was now to take effect imposing new and heavy duties; the commissioners of the customs had arrived, and were ready, with numerous legal spies, and a military force, to exercise their authority so as to give no hope of favor or possibility of evasion. Reports were circulated by the friends of administration, entirely unfounded, and injurious to the character of some influential citizens, tending to deceive the people, and to create distrust among the leading patriots. But they were able to restrain the popular ferment, and to baffle the intrigues of their artful opponents.

767 When the Assembly met, on the 30th of December, a large committee\* was appointed to consider the state of the province: and on the following day, the charter was first read in the House, and then the laws of the British Parliament recently passed, interfering with the affairs of the colonies; with a design to shew how far these acts were consistent with the rights and liberties guaranteed by that original compact. In the business of petitions and remonstrance, we shall find, that they proceeded with cautious, though with resolute steps. Their opposition was founded in intelligence and supported by argument. And their ardent feelings were displayed by the resolution with which they pursued the objects their sober judgment approved. On recommendation of this committee, the House voted a petition to the King; a letter to DE BERDT, their agent in England; to Lord SHELBURNE and to several other members of administration; to the Lords Commissioners of the Treasury; and also an address to be sent to the several colonial Assemblies on this continent: All referring to the acts of the British government, which were so oppressive in their operation; and seeking relief from the late severe and alarming measures.

1768 In the letter to their agent, after adverting to the acts of Parliament, which were deeply interesting to the people of the province, (but who had no share in framing them) of whose rights and liberties they were the constitutional guardians, and therefore bound to examine all laws imposing taxes on the inhabitants; they say, "the fundamental rules of the constitution are the grand security of all British subjects; and it is a security to which they are all equally entitled, in all parts of his Majesty's dominions. The supreme legislature, in every free state, derives

\* T. Cushing the Speaker, Col. Otis, S. Adams, J. Otis, J. Hawley, S. Dexter, and several others.



its power from the constitution, by the fundamental rules of which it is bounded and circumscribed. As a legislative power is essentially requisite, where any powers of government are exercised, it is conceived, the several legislative bodies in America were erected; because their existence and the free exercise of their power, within their several limits, are essentially important and necessary to preserve to his Majesty's subjects in America the advantages of the fundamental laws of the constitution.

“When we mention the rights of the subjects in America, and the interest we have in the British constitution, in common with all other British subjects, we cannot justly be suspected of the most distant thought of an independency on Great Britain. Some, we know, have imagined this of the colonists; and others may have propagated it, to raise groundless jealousies of them. But it is so far from the truth, that we apprehend the colonies would refuse it, if offered to them; and would even deem it the greatest misfortune to be obliged to accept it. They are far from being insensible of their happiness, in being connected with the mother country, and of the mutual benefits derived from it to both. It is therefore, the indispensable duty of all to cultivate and establish a mutual harmony, and to promote the intercourse of good offices between them. And while both have the free enjoyment of the rights of our happy constitution, there will be no grounds of envy and discontent in the one, nor of jealousy and mistrust in the other.

“It is the glory of the British constitution, that it hath its foundation in the law of God and nature. It is an essential, natural right, that a man shall quietly enjoy, and have the sole disposal of his own property. This right is adopted into the constitution: and this natural and constitutional right is so familiar to the American subjects, that it would be difficult, if possible, to convince them, that any necessity can render



it just and equitable, that Parliament should impose duties, subsidies, talliages and taxes upon them, internal or external, for the sole purpose of raising a revenue. The reason is obvious; because they cannot be represented, and therefore their consent cannot be constitutionally had in Parliament.

“When the Parliament, soon after the repeal of the stamp act, thought proper to pass another act, declaring its authority and right to make laws, which should be, in all cases, binding on the colonies, it is probable acts for levying taxes, external and internal, were included: for the act, passed the last year, imposing duties on paper, glass, tea, &c. as well as the sugar acts and stamp act, are in form and substance as much revenue acts, as those for the land-tax, customs and excise, in England. We humbly conceive, that objections to these acts may be safely, if decently made: and we think it can be shewn, that they are grievous to the subjects, burdensome to trade, and tending to injure the revenue of the crown.

“The security of right and property is the great end of government: and such measures as tend to render right and property precarious, tend to destroy both property and government; for these must stand and fall together. But what property can the colonists be conceived to have, if their money be granted away by others, and without their consent. Yet this is most certainly the case at present: for they were, in no sense, represented in Parliament, when this act for raising a revenue in America was made. The stamp act was justly complained of by the colonies, as a great grievance: and is there any real difference between this act and the stamp act? They were both designed to raise a revenue in America; and in the same manner, viz. by duties on certain commodities. The payment of the duties imposed by the stamp act might have been eluded by a disuse of the stamped paper; and so may the

payment of the present duties, by the disuse of the articles on which they are laid : but in neither case, without much difficulty and distress.

“The original contract between the King and the first planters here, was a royal promise in behalf of the nation, that if the adventurers would, at their own cost and charge, and at the hazard of life and every thing dear to them, purchase a new world, subdue a wilderness, and thereby enlarge the King’s dominions, they and their posterity should enjoy such rights and privileges as in their respective charters are expressed ; which are, in general, all the rights, liberties and privileges of his Majesty’s natural born subjects within the realm. The principal privilege implied, and in some charters fully expressed, is a freedom from all taxes, but such as they shall consent to in person or by representatives of their own free election. King James broke the original contract : but it was happy for us, that his arbitrary conduct was also disapproved and condemned in England. The charter of this province was restored, with nearly equal privileges and rights ; and especially with that of a Representative Assembly, with the power of laying taxes and regulating the internal concerns of the colony. The nation and her colonies have now long been happy ; and our Princes, patriot Kings. The law and reason teach, that the King can do no wrong ; and that neither King nor Parliament are otherwise inclined than to justice, equity and truth. But the King may be deceived, and the Parliament may be misinformed. And if any thing is wrong, it should be imputed to such causes. How far such causes have operated, is humbly submitted to the consideration of all.

“By the common law, the colonists are adjudged to be natural born subjects. So they are declared by royal charter : they are so by the spirit of the law of nature and nations. And no jurist, we think, will deny, that they are entitled to all the essential

rights, liberties and privileges of his Majesty's natural subjects, born within the realm." They referred also to an act of 13 George II. the preamble to which pre-supposed and recognized the citizens in the colonies, as natural-born subjects. They proceeded to shew how the restrictions on trade and the high impost duties would eventually injure the manufactures of Great Britain, as well as check the prosperity and prevent the growth of the colonies. They pointed out the difficulties and burdens attending all commercial adventures, by the laws of Parliament, confining them to such channels, as were favorable to England and unprofitable to America; and requiring heavy duties, which it was not only oppressive, but impossible to pay; and which would produce the effect, sooner or later, of discontinuing importations from the parent state.

They also stated their objections to the purposes to which the revenue was to be appropriated; which was the support of so many Collectors of the Customs, with numerous deputies, more than double the number which was necessary, and which would create a great expense; and the maintenance of civil government in any of the other colonies, with such military forces, as might be ordered by the British administration: thus subjecting this province, besides the expense of supporting its own government, to the charge of maintaining those in Canada or Nova Scotia, where the people were unable to do it, and where it was thought proper to place several companies of the military. They were ready, they said, to support their own civil government; and had also largely contributed, both by men and money, towards the defence of the British territories, in time of war, for the welfare of the whole kingdom: but they justly complained of the requisition to contribute to the support of any other separate colony; or of a military force, supposed necessary by ministers for the protection of the frontiers of the whole English

settlements on this continent. And, if it was intended to have troops permanently stationed in Massachusetts, they would have their agent-assure administration, that it was wholly unnecessary; as they cherished the most sincere and ardent loyalty towards the King, and a high respect and reverence for the supreme Legislature of the nation: and, if it had been represented to administration, that the military was requisite to support the due exercise of the civil authority, is was a wicked misrepresentation.\*

Their humble petition to the King, contained strong expressions of loyalty, and declarations of their readiness to support the honor of his crown, and the authority and dignity of his government. They referred to the rights and privileges guaranteed them by their charter—"one of which was, (that which all his subjects ever held sacred) the right of being taxed only by representatives of their own free election." And they observed, "that it was with the deepest concern your humble suppliants would represent to your Majesty, that your Parliament, the rectitude of whose intentions is never to be questioned, has thought proper to pass divers acts imposing taxes on your Majesty's subjects in America, with the sole and express purpose of raising a revenue. If your Majesty's subjects here shall be deprived of the honor and privilege of voluntarily contributing their aid to your Majesty, in

\*In this letter to their agent they said: "It is reported, that the establishment of Episcopacy in America is proposed—and it is very alarming to a people whose fathers, from the hardships they suffered under such an establishment, were obliged to fly their native country into a wilderness, in order peaceably to enjoy their privileges, civil and religious. Their being threatened with the loss of both at once, must place them in a most deplorable situation. We hope in God, such an establishment will never take place in America; and we desire you would strenuously oppose it. The revenue raised in America, for aught we can tell, may be as constitutionally applied towards the support of prelacy, as of soldiers and pensioners. If the property of the subject be taken from him without his consent, it is immaterial whether it be applied to the support of ecclesiastic or military power."



supporting your government and authority in the province, and defending and securing your rights and territories in America, which they have always hitherto done with the utmost cheerfulness : If these acts of Parliament shall remain in force, and your Majesty's Commons in Great Britain shall continue to exercise the power of granting the property of their fellow subjects in this province, your people must then regret their unhappy fate, in having only the name left of free subjects. With all humility, we conceive, that a representation of your Majesty's subjects of this province, in Parliament, considering their local situation, is utterly impracticable. Your Majesty has heretofore been graciously pleased to order your requisitions to be laid before the representatives of your people in the General Assembly, who have never failed to afford the necessary aid, to the extent of their ability : and it would be ever grievous to your Majesty's faithful subjects to be called upon in a way, that should appear to them to imply a distrust of their most ready and willing compliance."

To lord SHELburne, the British minister for American affairs, they stated the sufferings of their ancestors, the first settlers of New England, in removing to this continent, in defending themselves against the savages, with the expectation they had, founded in the provisions of their charter, of enjoying not only religious freedom, but all the political rights and privileges of British subjects within the realm—the arbitrary vacating of their first charter, in the reign of Charles II. and the grant of another by William and Mary, in 1690 ; by which the most important privileges contained in the former were guaranteed to them—and their prosperity and increase for a long course of years, in connexion with Great Britain, sharing in her protection, and aiding, to the extent of their ability, in her defence and greatness. They claimed to be, and to have always



been considered in England, natural born subjects of the British empire; and to be entitled, therefore, to all the rights and privileges of Britons. These privileges, they particularly set forth, as in their letter to the agent; claimed the right of self-government, and remonstrated against the laws for raising a revenue in America, as the subjects here were not represented in Parliament, and had not consented, by their representatives, to such a system of taxation. Their letters to several other noblemen, members of administration, contained very much the same sentiments; declaring that they desired not independence, but acknowledged their allegiance to the King, and subordination to Parliament, according to the provisions of their charter, and the principles of the British constitution; by which even Parliament was restricted in legislating for the subjects:—one of which, and that a most essential one, was, that no subjects could be deprived of liberty or property, any further than they consented thereto by their representatives. In their memorial to the Lords Commissioners of the Treasury, they represented the inequality and injustice of raising a revenue from the colonies for other purposes than the support of their own governments, the payment of their debts, then very great, and the maintenance of the forts on the frontiers of each, which were a necessary protection from the savages. They admitted a right in the parent state to regulate commerce, and to lay a reasonable duty on trade, such had been before required. But they stated, that, owing to the various commercial restrictions and high duties, there was no encouragement for maritime adventures, and that they had ceased to be profitable. That they were, therefore, unable to take British goods, as formerly; which must operate greatly to check the manufactures in England, the maintenance and growth of which was an object of concern with the politicians in that country.

In these various petitions and memorials, the same objections were made, fortified by similar arguments, as were advanced on former occasions, when the Assembly of Massachusetts complained of the oppressive acts and arbitrary measures of the British government. As in 1765 and 1766, though in a more elaborate manner, and with more force of language, they insisted, that the Parliament, though the highest legislative authority in the kingdom, was bound by the constitution, and certain great political principles often acknowledged to be fundamental in the British government, and particularly recognized at the revolution of 1688: that the people in the colonies were British subjects and entitled to all the rights and privileges of those in England: that their charters expressly guaranteed the right of self-government, subject only to the supervising control of Parliament in certain cases: that they, therefore, had the sole right to levy and raise taxes upon the subjects here, who had thus a voice in assessing them by their representatives; whereas they were not and could not be truly represented in the Parliament in England: that this province, particularly, had received no aid from the parent state, in its first settlement, or afterwards; but had protected itself and supported its own government; and had, on this account, incurred a heavy debt, which it would be very difficult for them to discharge. And, that they had always been ready, according to their ability, to comply with the requisitions of the crown, in raising troops, to unite with those of Great Britain, to defend the territories of the king, in various parts of North America. They also urged the importance of the privilege, as a free people, of voluntarily granting the support, needed and required by the crown, in their legislative capacity: and suggested, that, if this privilege were denied them, and their property taken, without their consent and approbation, it would be most humiliating to their loyal feel-

ings ; and would, in effect, be treating them as no longer deserving the name and power of free subjects.

At the time a law of Parliament was passed for laying a tax on stamps, in the colonies, the patriots of Massachusetts, in their objections and complaints, made a distinction, as to the right of the British government, between internal and external taxation. While they strenuously resisted the claim of Great Britain to lay internal taxes, they generally acknowledged her right to regulate trade and navigation, although these regulations went to limit and restrict their commerce in various ways, and to raise a revenue for the crown, by imposing duties on most articles imported into the province. They then, even, complained that the imposts were unreasonably high, so as almost to prevent all profit in commercial adventures. But the complaint was founded, rather in the unreasonable amount of duties required, than in the assertion that the principle itself was unjust. Whether it was with a design to take advantage of this distinction, first made by the colonists, or from a belief, that the raising of a revenue, in this mode, was practicable and would be least unpopular, ministers seem to have abandoned the plan of internal taxation, and had adopted that of laying duties on most articles of importation from foreign countries. But these imposts were so grievous, being extended to various commodities considered in some degree necessary ; and numerous revenue officers, clothed with great authority, which would occasion unusual expense to government and the exercise of arbitrary power in the province ; the revenue to be collected, being also to be appropriated for the benefit of other colonies, in supporting their civil government or a military force : In such a state of difficulty and oppression, the patriots of Massachusetts, ever watchful of the rights and welfare of the province, felt it their duty promptly to oppose this arbitrary system,

hostile alike to the prosperity and freedom of the people. At the session of the General Court in January, 1768, the next after the acts of Parliament for laying new duties and appointing a host of revenue officers, they, therefore, devoted their chief attention to change, if possible, this severe and alarming policy of Great Britain. And in their addresses to the King, their agent in England, and to several members of administration, they remonstrated against this plan of draining the people of their money and of their property, without their consent, to be applied to purposes, of which they disapproved; and which, in fact, they had too much reason to apprehend, were calculated to oppress and enslave them. It was a poor consolation to them, that direct internal taxation was abandoned, while the chief source of their wealth, and the only one of their circulating medium, was choked up, or diverted to channels, through which it would flow to a distant country, without contributing to fertilize and enrich their own. They believed they saw the severe policy of 1765 revived, with all its odious features: and the rapacious hand of administration was again stretched out over the colonies, to grasp the fruits of all their labor and toil.

With these apprehensions and with such a prospect before them, they were determined to neglect no means which would give promise of relief. In addition, therefore, to the application to the King and his ministers, and the able instructions to their agent in England, to use his utmost endeavors for redress; they prepared an address, to be sent to the Assemblies of all the other colonies, whose charters gave the like privileges and liberties with their own, informing them of their proceedings, so that they might unite in memorials to the British government for a repeal of these oppressive laws. That they did not propose a Congress, as was done in 1765, was owing to a wish not to give offence to the British



government, by whom that Convention was considered as highly improper. They were now, also, desirous of acting in concert in some measure, that their statements and remonstrances might have the greater effect. And they, therefore, adopted this course; not thinking it would be denounced by administration as a treasonable combination. The objections and complaints of Massachusetts alone had been repeatedly made; but without much regard. And, in England, this province was pretended to be more opposed to the measures of the parent government than any other. It became important, then, to give notice to the other colonies what they had done, that they might unite in petitioning for the repeal of the late oppressive laws of Parliament for raising a revenue, and for the adoption of a more just and liberal policy in regulating the colonies. In their opinion, the occasion required general and united efforts; and no other mode could be devised, so effectual and so little liable to objection.

In this address, they say, “that they had taken into serious consideration the great difficulties which would accrue to themselves and their constituents by the operation of several acts of Parliament, imposing duties and taxes on the American colonies. As it is a subject, in which every colony is deeply interested, we have no reason to doubt but your House is duly impressed with its importance, and that such constitutional measures will be taken as are proper. It seems important, that all possible care be taken that the representations of the several Assemblies should harmonize with each other.

“This House have humbly represented to the ministry their own sentiments; that his Majesty’s high court of Parliament is the supreme legislative power over the whole empire: That in all free states, the constitution is fixed; and as the supreme Legislature derives its power and authority from the constitution, it cannot overleap the bounds of it,



without destroying its own foundation : That the constitution ascertains and limits both sovereignty and allegiance : and therefore his Majesty's American subjects, who acknowledge themselves bound by the ties of allegiance, have an equitable claim to the full enjoyment of the fundamental rules of the British constitution : That it is an essential, unalienable right in nature, ingrafted into the British constitution, as a fundamental law, and ever held sacred and irrevocable by the subjects within the realm, that what a man hath honestly acquired is absolutely his own ; which he may freely give, but cannot be taken from him without his consent : That the American subjects may, therefore, exclusive of any consideration of charter rights, with a decent firmness, adapted to the character of free men and subjects, assert their natural and constitutional right.

“It is, moreover, their humble opinion, which they express with great deference to the wisdom of Parliament, that the acts made in England, imposing duties on the people of this province, with the sole and express purpose of raising a revenue, are infringements of their natural constitutional rights ; because, as they are not represented in the British Parliament, his Majesty's Commons in Britain, by these acts, grant their property without their consent.

“This House are further of opinion, that their constituents cannot possibly be equally and fairly represented in the British Parliament : and that, on this account, his Majesty's royal predecessors were pleased to form a subordinate Legislature here, that the subjects might enjoy the unalienable right of a representation.

“Upon these principles, and also considering, that were the right of Parliament ever so clear, yet, for obvious reasons, it would be beyond the rules of *equity* that their constituents should be taxed for the manufactures of Great Britain here, in addition to

the duties they pay for them in England, this House have preferred a humble, dutiful and loyal petition to our most gracious Sovereign, and made such representations to his Majesty's ministers, as they apprehended would tend to obtain redress.

“They have also submitted to consideration, whether any people can be said to enjoy any degree of freedom, if the crown, in addition to its undoubted authority of appointing a Governor, should grant him such a stipend as it shall judge proper, without the consent of the people, and at their expense: And whether, while the judges of the land and other civil officers hold not their commissions during good behavior, their having salaries appointed by the crown, independent of the people, hath not a tendency to subvert the principles of equity, and to endanger the happiness and security of the subject.

“In addition to these measures, the House have written a letter to their agent, which he is directed to lay before the ministry; wherein they take notice of the hardships of the act for preventing mutiny, &c. which requires the Governor to provide certain articles for the King's marching troops, and the people to pay the expenses: and also the commission for officers of the customs, to reside in the colonies, which authorises them to appoint as many subordinate officers as they may see fit, and to pay them what sums they please, for whose mal-conduct they are not accountable; whence it may happen that officers of the crown may be so multiplied as to become dangerous to the liberty of the people, by virtue of a commission, which does not appear to this House to derive any such advantages to trade as many have supposed.

“These are the sentiments and proceedings of this House. And as they have too much reason to believe that the enemies of the colonies have represented them to his Majesty's ministers and to Parliament, as factious, disloyal, and having a disposition

to become independent of the mother country, they have taken occasion to assure his Majesty and his ministers, that, with regard to the people of this province, and as they doubt not, of all the colonies, the charge is unjust. The House cannot conclude, without expressing their firm confidence in the King, our common head and father, that the united and dutiful supplications of his distressed American subjects will meet with his royal and favorable acceptance."

This address of the Representatives of Massachusetts to the other colonial Assemblies was adopted by a large majority of the House; and yet by the statement of governor BERNARD, who soon after wrote to ministers to inform them of the proceedings in this province, it would appear, that it did but express the opinions of a few; and that, after much opposition, it was finally passed by the intrigues and threats of some violent members. There was, indeed, an opposition in the House, when it was first proposed to write to the other colonial Legislatures, as it was supposed a Congress might be the result; which it was believed would be highly resented by the British administration. But when the plan was known to be merely to inform the other colonies of their proceeding, to suggest the propriety of a general petition to Parliament for a repeal of the late revenue laws, and to point out the ill effects of those statutes in their respective colonies, the objections in a great measure ceased; and it was agreed to forward an address, for these purposes, by almost an unanimous voice. But governor BERNARD frequently gave an unfavorable representation of the conduct of Massachusetts, which served to awaken the displeasure of ministers; and pretended that the measures adopted by the Assembly were, not such as the most intelligent and respectable characters approved, but such as a few violent, unprincipled individuals proposed; and that, by decision and firmness in administration, all opposition might be easily put down.

This was, in truth, a measure of great importance, notwithstanding the caution and moderation displayed by the Assembly of Massachusetts in its adoption. It alarmed the advocates of arbitrary power, in the province, at the time it was proposed ; and when it was known in England, it was condemned by administration as “highly inflammatory, and tending to sedition.” And, probably, it gave offence, precisely for this reason, that it was likely to produce an effect favorable to America, and contrary to the severe policy of the ministers, who had been influential in the passage of those laws, which the colonies, by their united petitions, were attempting to have repealed. The conduct of the Massachusetts Assembly could not be truly charged with sedition or unlawful opposition to the authority of the King or Parliament, merely because they presented a petition for a redress of their grievances, and stated the reasons to justify the complaint in their memorial ; or because they made known this measure to the other colonies, laboring under the same difficulties, and proposed to them to unite in similar applications to the British government. Even in England, where the subjects were represented in the Legislative Assembly of the nation, they were not denied the privilege of petitioning the King and Parliament for relief, when under circumstances of oppression and distress. It would have been the severest exercise of despotic power, and a fatal blow to liberty in the colonies, distant as they were from the British legislature, and without representatives to declare their feelings and their wants, had they been denied the privilege of approaching the King and the subordinate agents of the parent government. This, indeed, was attempted. There were those in England, and in America even, who were disposed to take away the common rights of freemen from the colonists, because they had dared state their grievances and pray for redress : There were those, who were dis-



posed to deprive the people in America of all their legislative privileges, and to order a military force to insure submission to unconstitutional and oppressive laws. The Assembly of New York had already been dissolved, and a royal prohibition issued against another, until they should comply with a requisition of ministers to provide support for British troops, contrary, as the Assembly contended, to the constitution of England, which did not allow of quartering the military upon the people in times of peace, as well as to their charter, which gave them the privilege of voting the money of their constituents for such purposes as they should judge fit. And we shall see, that the same arbitrary plan was to be adopted with regard to Massachusetts, upon her declining to comply with a ministerial requirement, inconsistent with her charter rights.

Although the Governor was highly dissatisfied with these proceedings of the representatives, as his letters to ministers, written at the time, and afterwards published in the province, will fully shew, and represented their conduct as “inflammatory and factious,” and rapidly hastening on an actual rebellion; yet, as their various petitions and letters were prepared, without any consultation with him, their general intercourse, during a long session, was decent and harmonious; and he took occasion to speak of their “moderation and good temper.” But a few days before the Assembly was adjourned, some events occurred which excited the displeasure of his Excellency, and occasioned mutual criminations, which are worthy of recollection, to shew the spirit of the times, and the character of the leaders in these political disputes.

By his uniform apologies for the arbitrary measures of administration, and his petulant censures so often cast upon the patriots in the province, governor BERNARD had become extremely unpopular, and several paragraphs had already been published in the



newspapers of the day, referring to these traits of his character. Just before the court arose, a very scurrilous piece appeared, accusing him, without giving his name, of being corrupt, tyrannical, and intending to destroy the liberties of the people. This newspaper attack, he made the subject of a special message to the House ; and pretended, that it was from regard to his royal master and to the peace of the province, that he called their attention to it. But the Assembly did not, or affected not to consider it of importance sufficient to require any special order : and in their reply, although they declared their loyalty and respect to the King, and their readiness to every proper measure to preserve the peace and welfare of the province, they made no professions of attachment to his Excellency ; and by their studied silence, respecting his patriotism or his particular merits, seemed almost to imply, that the insinuations alluded to were well founded. He also communicated part of a letter, which he had received from Lord SHELburne, one of the British administration : in which that minister had spoken with much severity of the conduct of the Assembly, in objecting to the Lieutenant Governor taking a seat in Council, when he was not a member, and in passing by several of the friends of administration, when they elected members of the Council ; and in which, he also censured some leading characters in the House, in consequence of Mr. BERNARD's complaints, " as indiscreet and turbulent, whose behavior tended to disturb the peace and safety of the province." It was with difficulty, the House obtained a copy of the letter ; and upon a perusal of the whole, they found that the Governor had represented some of the ablest members of their body in a very unfavorable light. They, therefore, in their own vindication, prepared an address to him, complaining of this conduct, as calculated to produce great evil to the province, by inducing ministers to continue their op-

pressive system, and even to exert force to support the arbitrary power they claimed over the colonies. But, although the letter of the minister approved, generally of the Governor's conduct, and contained severe expressions against those who opposed him, and were the friends of colonial rights, it was so qualified in some clauses as to intimate a suspicion, that in all his proceedings he had not been judicious and prudent. "It will be your care and your duty (he says) to avail yourself of his Majesty's support, in *those cases only*, where the *honor and dignity* of his Majesty's government is *really* concerned."

To show the sense of the House relating to the conduct of the Governor, in giving unfavorable representations of their proceedings and views to the British administration, on which account severe and arbitrary measures were proposed, it may be necessary to refer to a paragraph in their message. "Surely his Lordship (SHELBURNE) would not have passed such a censure upon the two Houses of Assembly, or upon particular gentlemen, altogether strangers to him, as to attribute their conduct to *mistaken zeal, and private resentments, and to charge them with improper excesses, with embarrassing the government* and disturbing the quiet of the *province*; but on what he thought the best authority. It would be far beneath his character and dignity to give credit to any account so prejudicial to the reputation of the province and of particular persons, but what he receives from gentlemen in the highest stations in it. Your Excellency, then, must allow the House to believe, until convinced to the contrary, that your letters, to which his Lordship alludes, are so fully expressed, as to have left his Lordship no room to suspect that he could be mistaken. In such a case your Excellency cannot think that the House can remain in silence. They recommend to their injured members a becoming calmness and fortitude; and take this occasion to bear testimony to their zeal for the honor

of their King and the rights of their constituents. But the character of the people whom this House represent, as well as their own honor is at stake, and requires them to take every prudent measure for their own vindication. The House are truly sorry that this new occasion of mistrust and jealousy has happened: But they can never be so wanting to themselves, as to omit the opportunity of removing from his Lordship's mind the unfavorable impressions which appear by his letter; and, what is of much greater importance to them, of standing before their sovereign in their own just character of loyal subjects."

The Governor, in reply, on the last day of the session, observed, that he was sorry to find the moderation and good temper, which appeared at the opening of the court, had not continued to its close; but that the lovers of contention had shown themselves more disposed to revive than to prevent irritating measures. He complained of the freedom of their remarks upon Secretary SHELBURNE's letter; and, without denying that his letters to ministers had given occasion to the censures cast upon the province and its statesmen, he assured them, that all their proceedings were well known in England, and needed no exaggeration to render them displeasing to the government there. He professed a desire to avoid all disputes with the Assembly, and at the same time imprudently declared, that in his opinion "there were individuals, to whose importance everlasting contention was necessary; and that time and experience would pull off the masks of false patriots, who were ready to sacrifice the country to the gratification of their own passions."

So long as there were any claims on the colonies by Parliament, or administration proposed measures in relation to this province in particular, which were to be carried into effect through the agency of governor BERNARD, no hope could be cherished, that, in the

manner of executing such orders, any harmony and confidence could exist, between the different branches of government in Massachusetts. Apart from the severity and unreasonableness of the laws of Parliament of which they complained, the temper of the Governor was such as to increase the popular dissatisfaction with administration in England, whose agent he was. He was too much disposed to *magnify* his office; and the severe measures adopted by ministers lost nothing of their odious features from the mode in which he communicated or executed them. The laws made for governing the colonies were sufficiently objectionable in their spirit and tendency to have been submitted to, without decided and firm and continual remonstrances. But the irritation and petulance occasionally manifested by some members of the House, of strong and ardent feelings, were produced by the arbitrary conduct of governor BERNARD. In almost all cases of dispute with the Assembly, however, he was evidently put in the wrong; and felt himself frequently obliged to yield, as untenable, the positions he had advanced with great confidence and assurance. The eminent civilians in the House and Council were too powerful for him to maintain the contest; and, having justice and right on their side, they were able to defend the cause of constitutional liberty so fully, that he was soon obliged to retire from the field.

In these various and able proceedings of Massachusetts, we have full proof of the patriotism and firmness of the statesmen of that very trying period, when the liberties of the colonies were designedly attacked by an arbitrary and short-sighted ministry. No other colony, at this early period, manifested such decision and perseverance in defence of American liberty, and in opposing the encroachments of despotic power in the parent government; although, on several occasions, many of them displayed great zeal and resolution in the same glorious struggle.

This province was certainly more carefully watched and more frequently condemned in England, than any other, for its expressions of disapprobation and complaint at the measures of administration. And in none other, had the American patriots such able opponents to contend with as BERNARD and HUTCHINSON. The circular address to the other Assemblies, and their letters to ministers and the agent of the province, in England, were published and extensively circulated ; and were highly important, in giving just views of civil liberty, of the great principles of the British constitution, and of the rights of the subjects in all parts of the empire ; and of exciting an ardent and enlightened zeal in favor of their ancient political privileges through all the colonies.\*

During this session of the General Court, a resolution was adopted, with only one opposing vote,† similar to that passed by the citizens of Boston in November preceding, for the encouragement of industry, economy and manufactures ; and recommending to the people to discontinue the use and importation of British and all other foreign goods, which were subject to heavy duties. This was the kind of opposition made by the patriots of Massachusetts to the arbitrary laws of Parliament: and it was the only legal measure in their power, to prevent the great oppression, which the plan for raising a revenue in the colonies was calculated to produce. Their physical force was, indeed, sufficient to have evaded or

\* Dickinson, the author of the "Farmer's Letters," said, "Never will my heart become insensible, till it is indifferent to all worldly things, of the obligation I owe to the people of Massachusetts for the vigilance with which they have watched over, and the magnanimity with which they have maintained the liberties of the British colonies in America." The citizens of Philadelphia declared, "that if America were saved from impending danger, Massachusetts must be considered its guardian." Peyton Randolph, speaker of the House of Assembly in Virginia, in his reply to the circular letter, says, "I consider the people of Massachusetts as very vigilant and stedfast guardians of American liberty."

† Timothy Ruggles, Esq.



prevented the execution of those severe statutes. But they were as great enemies to disorder and violence, as to arbitrary laws; and they chose to seek redress in a constitutional way. There was a great degree of irritation in the province, it is true, and the lower class of people were sometimes so exasperated, by what they suffered and what they feared, that it required much attention and effort in the more prudent to restrain them. And, yet, so far was the dissatisfaction with the measures of the British government from being confined to a few disappointed and factious individuals, as pretended by governor BERNARD and his political friends, that much the greater part of the intelligent and respectable citizens of the province were engaged in remonstrating against the arbitrary policy of the parent state, and in complaining of its encroachments on their civil rights. Such characters had great reason to object to the conduct of governor BERNARD; for whenever they acted independently and contrary to his views, he was sure to reproach them. A majority of the Council, whom he highly extolled a short time before, for supporting some measures he had recommended to the Assembly, were, soon after this, represented to ministers as dupes of a faction; and it was intimated by him, that there would be little dignity and energy in the government of the province, until other characters should be placed in the Council; and such even as should be appointed by the crown. Such a suggestion, with the evidence they had, that the Governor was also in favor of augmenting the military power, to aid the civil authority, could not fail to arouse the zeal and awaken the resentment of the patriotic citizens of Massachusetts, who were conscious of great loyalty to the King, and of a sincere regard for the constitution and government of England.

## CHAPTER VIII.

Proceedings in Massachusetts condemned in England—A resolution to enforce severe laws—Assembly required to rescind circular letter, but refuse—General Court dissolved—Their letter to Lord Hillsborough—Complaints of misrepresentations—Great discontent in the Province—Vessel seized in Boston—Council active and faithful—Prudence and moderation of the people under oppressive laws—More troops arrive—Difficulty in providing for them—Convention in Boston—Temperate result—Lord Hillsborough's letter—Non-importation agreement renewed—Conduct of the Council.

NOTWITHSTANDING the moderation and prudence which marked the proceedings of the Massachusetts Assembly, as narrated above, their conduct was highly resented by the British administration: And representations from the agents of the crown in the province were not wanting to give an unfavorable coloring to these transactions. But there was such firmness and ability displayed by the Assembly, in opposing the claims set up and the measures adopted by ministers in England, that it was necessary, either to discontinue the whole system of policy, recently pursued, for raising a revenue in America, which was not to be expected of the British government, with all its power and pride; or to provide for carrying these severe laws into effect, by military force. Unwilling to acknowledge a want of just authority to tax the colonies, and zealous to maintain the dignity of government, according to their views of it, they resolved to support the system which had been

deliberately formed, and to have the laws, objected to, rigidly executed. It was accordingly officially announced to the Assembly in June of this year, that the measures which had been adopted, particularly the resolution for addressing the other colonies, and proposing to them to join in remonstrances against the revenue laws, must be repealed or disavowed, or the province would be subjected to the severe displeasure of administration and of the King. Governor BERNARD was instructed to make known this ministerial requisition to the House of Representatives; and, if the circular letter were not rescinded, to dissolve the Assembly. They requested a recess, that they might have an opportunity to consult their constituents: But this was refused; the Governor alleging that his instructions from the King would not justify him in granting the request. After complaining of the novelty and severity of such a requisition, and stating the design of the letter, which they considered merely advisory, and prepared without any intention to organize a system of opposition by force, urging the right of the subjects, in all situations, to petition the government or the King, and shewing the probability of redress, by such application; observing also, the perfect inefficiency of repealing the vote, as it had already all the effect it could possibly produce, and no declaration of theirs could now operate to destroy it, at the same time expressing their opinion of the injustice of these acts of Parliament, yet professing their affection and loyalty to the King, as their protector, to whom they bore the most faithful allegiance; and informing the Governor of their apprehensions of his inimical disposition and of his misrepresentation of the conduct of the people in the province; they concluded, by saying, (and a greater proof of firmness and resolution can be hardly conceived,) "that this House have voted, *not to rescind*, as required, the resolution of the last House," by more than five-

sixths of the members. "In all this," they add, "we have been actuated by a conscientious, and finally, a clear and determined sense of duty to God, our King, our country, and to our posterity: And we most ardently wish and humbly pray, that in your *future* conduct, your Excellency may be influenced by the same principles."

On receiving this firm and patriotic reply, the Governor immediately prorogued the Assembly, although the Council was engaged in important business, which they wished to finish: And the next day, he issued a proclamation dissolving it, when they had spent only one month of the political year. The province was thus deprived of the great and essential right of having a legislature to regulate the internal concerns of its citizens, or to defend their political and charter privileges, against the usurpations and tyranny of a distant, unfeeling government. In this proceeding, the people of Massachusetts had full proof of the arbitrary principles of the British ministers, and a presage of the exercise of despotic power, which would forever annihilate all their ancient and valued liberties. If they were not to have a legislative assembly, one of the fundamental privileges recognized and guaranteed by charter, but on condition of complying with oppressive, unconstitutional laws, and of submitting to taxes which they had no voice in laying, they must indeed "despair of the Commonwealth," and prepare themselves for absolute slavery.

An administration, which could impose such conditions, and issue such instructions, was a reproach to the British government in the reign of the House of Hanover; and fit only to have been the advisers of the tyrannical Stuarts. Candor, however, might induce the belief, that this arbitrary conduct was, in a measure, owing to unfounded statements from the province, and a pretence that the opposition was a contemptible faction. It is also proper to notice,

that the severe and arbitrary conduct of ministers, in depriving the people of Massachusetts of their legislative rights, for making known their views to the other colonies, and merely suggesting to them the propriety of petitioning the British government (for they did no more than this) was openly condemned by the friends of constitutional freedom in England ; and it was not without great difficulty and opposition, that they maintained their places in the Cabinet. Lord SHELburne, one of the former ministers, expressed great disapprobation of this and other measures of administration, and declared his opinion, that Massachusetts might be restored to a perfectly quiet state, by the adoption of a more mild and prudent policy, which should be consistent with the rights of the American subjects, and of the true honor and dignity of the British government. Governor POWNALL and others expressed the same opinion in the House of Commons.

The Representatives, apprehensive of being dissolved by the Governor, on his receiving their resolution not to rescind the circular address of the former House, had prepared a letter to Lord HILLSBOROUGH, the British Secretary for American affairs, and who had forwarded to governor BERNARD the instructions to dissolve the Assembly. if they should not comply with the order, as before mentioned ; some extracts from which will fully shew their feelings and views, at this critical and alarming period. “ Some very aggravated representation of this measure (the circular address) must have been made to his Majesty, to induce him to require of this House to rescind a resolution of a former House, upon pain of forfeiting their existence. For the House of Representatives, duly elected, are constituted by the royal charter, the representative body of his Majesty’s faithful COMMONS of this province in General Assembly. Your Lordship is pleased to say, that his Majesty considers this step as tending to create un-



lawful combinations and to excite an unjustifiable opposition to the constitutional authority of Parliament. The House, therefore, thought it their indispensable duty to revise that address, and carefully to collect the sentiments which prevailed in the House, to induce them to resolve on the measure.

“It may be necessary to observe,” they add, “that the people in this province have attended, with deep concern, to the several acts of Parliament, which imposed duties and taxes on the colonies; not for the purpose of regulating trade, but with the sole intention of raising a revenue. This concern, so far from being limited to a few *inconsiderate* persons, has become *universal*. The most respectable for fortune, rank and station, as well as probity and understanding, in the province, with very few exceptions, are alarmed with apprehensions of the fatal consequences of a power exercised in any one part of the British empire, to command and apply the property of their fellow subjects at discretion. This consideration prevailed on the last House of Representatives to resolve on a humble, dutiful and loyal petition to the King, the common head and father of his people, for his gracious interposition in favor of his subjects of this province. As all his Majesty’s subjects in North America are alike affected by the revenue laws, the former House justly supposed, that each of the Assemblies on this continent would take such methods of obtaining redress, as should be thought by them respectively, to be regular and proper. And being desirous the several applications should harmonize with each other, they resolved on their circular letter, in which their only view seems to be to *advertise* their sister colonies of the measures they had taken, upon a common and important concern.

“Your Lordship, surely, will not think it a crime in that House, to have taken a step, which was perfectly consistent with the constitution, and had a nat-

ural tendency to compose the minds of his Majesty's subjects of this and his other colonies, until, in his royal clemency, he should afford them relief, at a time, when it seemed to be the design of some persons to prevent calm, deliberate, rational, and constitutional measures being pursued, or to stop the distresses of the people from reaching his Majesty's ear; and consequently to precipitate them into a state of desperation and melancholy extremity. Your Lordship will therefore judge, whether a representation of it to his Majesty, as a measure of an *inflammatory nature*, as tending to create *unwarrantable combinations*, and to excite an *unjustifiable opposition to the constitutional authority of Parliament*, be not injurious to the representatives of this people, and an affront to his Majesty himself.

“An attempt to impress the royal mind with a jealousy of his faithful subjects, for which there are no grounds, is a crime of a most malignant nature, as it tends to disturb and destroy that mutual confidence between the Prince and his subjects, which is the only true basis of public happiness and security. Your Lordship may find, on enquiry, that such *base* and *wicked* attempts have been made.

“It is an inexpressible grief to the people of this province to find repeated censures falling upon them, not from ministers only, but from majesty itself, grounded on letters and accusations from the Governor. There is no evil of this life, which they so sensibly feel as the displeasure of their Sovereign. Your Lordship will allow the House to appeal to your candor, upon the grievous hardship of their being made to suffer so severe a misfortune, without ever being called to answer for themselves, or even made acquainted with the matters of charge alleged against them: a right, which, by the common rules of society, founded in the eternal laws of reason and equity, they are justly entitled to. The House is not willing to trespass upon your patience; but they

could recite many instances, since governor BERNARD has been honored by his Majesty, to preside over this province, of their suffering the King's displeasure, through the instrumentality of the Governor, without the least previous notice of their having been charged with deviating from the path of duty. This, they humbly conceive, is just matter of complaint ; and it may serve to convince your Lordship, that Mr. BERNARD has not that tender feeling for the subjects here, which is characteristic of a good Governor, and of which the Sovereign affords an illustrious example.

“It is the good fortune of the House, to be able to show, that the measure of the last House, referred to in your Lordship's letter to the Governor, has been grossly misrepresented in all its circumstances. And it is matter of astonishment, that a transaction of the House, the business of which is always done in the open view of the world, could be thus colored : a transaction, which, by a special order of the House, was laid before his Excellency, whose duty to his Majesty is, at least, not to misinform him.”

They then proceeded to state the particular circumstances attending the vote to address the other colonies, which had been pretended to have passed by intrigue, in a thin House, and by a bare majority. It is true, that when the motion was first made, it was rejected ; for it was understood to be intended to propose a Congress. But when the motion was again made, the House was as full as usual, there being eighty two members present, and the whole number of representatives being one hundred and ten. The vote obtained, by almost an unanimous voice ; and the address reported was adopted by the same general assent. And of all this, the House informed the Governor at the time ; and offered to furnish him with a copy of their proceedings. “The House beg leave to apologize to your Lordship, (they proceed) for the trouble given you in so particular a

narration of facts ; which, they thought necessary to satisfy your Lordship, that the resolution of the last House was not an unfair proceeding, procured by surprise in a thin House, as his Majesty has been informed ; but the declared sense of a large majority, when the House was full. The Governor was made acquainted with the measure, and never signified his disapprobation to the House ; which it is presumed he would, in duty to his Majesty, had he thought it was of evil tendency : and therefore, the House had reason to be confirmed in their opinion of the measure, as being the production of moderation and prudence. And the House humbly rely on the royal clemency, that to petition his Majesty will not be deemed, by him, to be inconsistent with a respect for the British constitution, as settled at the revolution, by William the Third ; that to acquaint their fellow subjects, involved in the same distress, of their having done so, in hope of success, even had they urged the union of all America in one joint supplication, would not be discountenanced by our gracious Sovereign, as a measure of an *inflammatory* nature ; that when your Lordship shall, in justice, lay a true statement of these matters before his Majesty, he will no longer consider them as tending to create *unwarrantable combinations*, or excite an *unjustifiable opposition* to the *constitutional* authority of Parliament ; that he will then clearly discern who are of that *desperate faction*, which is continually disturbing the public tranquility ; and that while his arm is extended for the protection of his distressed and injured subjects, he will frown upon all those, who, to gratify their own passions, have dared even to attempt to deceive him !

“ The House of Representatives of this province have more than once, during the administration of governor BERNARD, been under a necessity of entreating his Majesty’s ministers to suspend their judgment upon such representations of the temper

of the people and the conduct of the Assembly, as they were able to make appear to be injurious. The same indulgence, this House now beg of your Lordship; and beseech you so far to patronize them, as to make a favorable representation of their conduct to the King our Sovereign: It being the highest ambition of this House and of the people whom they represent, to stand before his Majesty in their just character of affectionate and loyal subject."

Some time in the month, before the General Court was dissolved, a committee of the Council and House was appointed to consider the state of the province, in consequence of some disorders in Boston, occasioned by the seizure of a vessel\* by the officers of the customs, and the violent and forcible manner of taking her from the wharf and carrying her along side a British frigate lying in the harbor, a little below the town. This insolent and unprecedented act was done in the latter part of the day, by several boats of armed men from the ship of war. The common people were so provoked, that, in the evening, they insulted and abused some of the officers of the revenue, and attacked their houses by breaking the windows. The committee,† in their report, declared their abhorrence of such tumult and outrage, and authorized the Governor to offer a reward for detecting the perpetrators; but, at the same time, expressed an opinion, that the seizure of the vessel was made in such a violent manner as to have occasioned, though it did not justify or excuse the tumult. "The people," they said, "were justly dissatisfied with the severe revenue laws and with the plan of enforcing them by a *host* of collectors and assistants, who were very arbitrary in their proceedings, and so expensive to government as to take to themselves the greater part of the amount raised from the adventures of the industrious trader."

\* This vessel belonged to J. Hancock, Esq.

† J. Erving was chairman of the committee.



At this session, a joint committee was also raised to inquire concerning the uneasiness and alarm which prevailed, from an apprehension of a large military force to be stationed in the capital at the expense of the province, and for the purpose of enforcing the laws so justly obnoxious to a free people.\* There was already a report that the military was to be increased: For governor BERNARD had often stated to administration, that this was necessary for the due support of government. And all his exaggerated statements were fully credited in England, while those forwarded by the friends of the province were refused even a perusal in Parliament, and seldom ever communicated to the King.

Although the House of Representatives was no longer in existence, the concerns of the province were not wholly neglected, nor its liberties given up, as lost forever. The Council still remained, in some measure, as a public body; and the patriotic citizens of Boston and elsewhere were attentive and vigilant to guard the rights of the whole people. It is evident that no legislative act could be done by the Council. They legally retained only their capacity to advise the Governor, in concerns merely executive. And as the General Court was dissolved, it is not perceived how they could legally meet and act as a board, unless called together by the Governor. Yet it will appear, that they held several meetings, of their own motion, as the political guardians of the province. And for this they merited and received the thanks of the people, and of a future House of Representatives. On the day the Assembly was dissolved, they chose a committee "to inquire into the state of the province, and to report what they should consider proper to lay before his Majesty respecting the same." The 7th of July, Mr. BOWDOIN, chairman of the committee, reported an address to the

\* Gamaliel Bradford was Chairman of this committee.

King, which was accepted ; and the Governor was requested to forward it to the British Secretary of State. In this memorial, they mention, that the revenue laws were extremely burdensome ; that the debt of the province was very great, occasioned chiefly by expenses for their troops employed to assist the British army in the last war ; that they cherished the most loyal attachment to his Majesty, and were disposed to acquiesce in all constitutional laws ; but that they feared they were to be deprived of their charter rights and privileges, by reason of misrepresentations of the real temper and character of the people.

After the insults offered the officers of the revenue, the commissioners retired to the castle for protection, where the King's troops were stationed, on pretence that they would not be safe in the town of Boston, where the populace were beyond control. When the Governor requested the advice of Council, as to the probable safety of the commissioners in Boston, the members did not agree in opinion : Some believed they might return without danger, and others expressed their fears of the event. But they were all disposed to support the Governor in maintaining the authority of the laws, and in discountenancing all riots and tumults. The commissioners, probably, for some time, would have been in danger, had they returned to the town ; not indeed by the more intelligent citizens, or by their consent even : But the lower class of people were highly exasperated by the various and multiplied acts of oppression in the British administration ; and might have committed some deeds of violence, in the heat of passion, upon the agents authorized to execute these obnoxious laws.

In this difficult and unsettled state of the public mind, the Council conducted with equal prudence and resolution ; desirous alike of maintaining the rights of the people and of supporting the constitu-

tional authority of Parliament within the province : They were anxious to avert the displeasure of the King, without compromising the privileges secured to them by charter, and belonging to them in common with all the British subjects. The popular feeling is sometimes to be regarded, rather than violently or openly opposed. If there is not a great degree of ignorance in the people, it is generally correct. And if they have been deceived or misinformed, it is most prudent and effectual to enlighten in order to direct them in the proper course. But if greatly oppressed, attempts to force submission would drive them to acts of violence and disorder, which all wise politicians must regret.\* Had the commissioners returned to Boston, and continued their arbitrary seizures by armed men, and had the Council advised the Governor to provide a military guard for their protection, an exasperated populace might have been driven to commit great disorders ; and the horrid scenes of the 5th of March, 1770, might have been, at this time, anticipated. It was the part of wisdom to prevent, as much as possible, all occasions of collision and irritation ; and to seek redress by application to the King and the government of the parent state. And it has justly been matter of pride and triumph to the friends of civil liberty in Massachusetts, that those who conducted her public concerns, at that most critical period, were men of great prudence and judgment, as well as of patriotism and firmness. Nothing could be more unfounded, than the suggestion of governor BERNARD and others, that it was only a few rash and headstrong men in the province who were opposed to the measures of the British administration. Perhaps, it was not true in a single instance. The younger OTIS was quick and

\* Mr. Pitt said in Parliament, with reference to the oppressive measures of administration at this time—"The Americans have been wronged ; they have been driven to madness by injustice. Will you punish them for the madness you have occasioned?"

ardent in his feelings ; but his ardor was directed by great intelligence and judgment : and if he was ever rash or petulant, it was when unjustly assailed by the insolent tools of administration. But BOWDOIN, DANFORTH, BRATTLE, RUSSELL, ERVING, the ADAMSES, DEXTER, HAWLEY, HANCOCK, SEVER, and the elder OTIS,\* were men of great moderation ; and pursued their measures for the preservation of civil liberty, with all the prudence and temper which the arduous struggle, in which they were engaged, would permit.

In September, two regiments of British regular troops arrived in Boston harbor from Halifax, having been ordered into the province by general GAGE, then residing at New-York ; in consequence of representations from governor BERNARD and others to the ministry in England, that Massachusetts was in a state approaching to rebellion ; and that the civil authority was too feeble for the due maintenance of law and order. This was a most injudicious measure of administration. For by a resort to the military to aid the civil power, they increased the discontents of the common people, and confirmed the more intelligent in their opposition to a system which required physical force to maintain it. They should have recollected the opinion of *Franklin*, given them in 1766, when examined respecting the opposition to the stamp act, “that if they sent an army into the colonies, they would not find a rebellion, but they would probably create one.” There were also two more regiments ordered for this province from Ireland. This intelligence was received at Boston just before the troops from Halifax arrived. Great apprehensions prevailed among all classes of people in con-

\* There were many others of ardent and active patriotism in the province, at this time, most of whom had been educated at the University in Cambridge ; a striking proof of the great advantage of that seminary to the country, and of the auspicious influence of learning upon the interests of civil liberty.



sequence of these threatening measures. The people were justly alarmed by the appearance of so great military force in a time of peace. And they saw an attack preparing, which many had long anticipated, to wrest from them their most precious privileges, and to force submission to such arbitrary laws as an unwise or unfeeling ministry might propose. It is difficult to express the perturbation of the public feelings at this period ; and to conceive of the indignation which prevailed, on the belief that foreign troops were to be placed in the province, to put in execution all the requisitions, which the caprice and resentment of governor BERNARD, the rapacious insolence of the revenue officers, or the arbitrary principles of the British administration might dictate. But although the citizens of the province were in a state of great agitation and distress, they were deprived of the usual means of redress, and their legal and constitutional guardians, the Assembly, had no longer power to protect them. Their only hope, under providence, which had hitherto provided ways of escape, even in the most critical situations, was in the intelligence and patriotism of the Council ; who might make known their grievances, fairly represent their wishes to the King, and recommend their distressed condition to his royal favor. The rights and liberties of the province, in a great measure, depended on their prudence and firmness, on their patriotism, and fidelity to the public welfare.

A part only of the troops could be received at Castle William, where was a fort and some barracks, already occupied by the military ; and governor BERNARD requested of the Council that provision be made for their being quartered in the town of Boston. The Council, at first, declined. And when again urged by the Governor, they gave an opinion, that they had no power to decide that the troops should be provided for either in Boston, or in any town in the province : Nor could they do any thing



which would subject the province to expense, without the consent and concurrence of the House of Representatives; which was then not in being: And they suggested, that the authority of the town of Boston, according to the mutiny act, was competent to furnish barracks and provisions for the troops, while within their precincts. The subject being referred to the town, they also declined furnishing accommodation for them; the law of Parliament, as they construed it, requiring only temporary quarters for troops, when passing through any part of the province to the frontiers, where they were to be permanently stationed. Besides, the act of Parliament, they said, gave the power (when there were no barracks) to the Magistrates, and not to the town authority, to furnish temporary accommodation, in public buildings, till suitable places could be provided. There was in truth, a great opposition to quartering the troops in Boston; and therefore all possible objections were stated against it.

All these attempts were made to prepare for the troops, a short time before their arrival, and when daily expected. The day after they came into the harbor, the Governor convened a Council, at Castle Island, and invited the British commander to attend;\* with a view, as pretended, to have him state to the Council, in person, his orders and plan as to the disposition of the troops. Besides, the Governor was desirous of having it believed, that he had no control of these regiments; and the measure of placing them in the capital was so very unpopular, that he chose to refer the whole arrangement, either to the immediate commanding officer, or to his superiors, to whom he was accountable. Governor BERNARD had certainly often suggested the need of mili-

\* Several other British officers were present at this meeting, with a view probably, to prevent the Council from declining to accommodate the troops, and it was considered highly improper.

tary force to aid the civil authority in this province, both to general GAGE, the chief in command of the British troops in America, who then resided at New-York, and to administration in England ; and yet he as repeatedly declared, that he had not sent for them ; and when they arrived, was desirous of giving all the responsibility of providing for them to the Council, or of having the requisition, for their accommodation, to come directly from the officer who commanded them. Colonel DALRYMPLE, the commander of the troops, made known his orders to the Council, which were to place one regiment at the Castle, and to quarter the other in the town. The same objections were now made by the Council against providing for the troops in the town, which they had before stated to the Governor. They observed, that while there were barracks unoccupied, they were not required by the act of Parliament to make any other provision for their accommodation ; and that, when the barracks were filled, it was, in their opinion, the duty of the municipal authority or the magistrates to carry the law into effect. They also intimated that the plan of permanently stationing troops in the province, in a time of peace, was not authorized by the mutiny act even, and was contrary to the spirit of the British constitution. They, therefore, declined giving any formal advice in the case. The officer declared, that he should obey the orders he had received ; but expressed his surprise and regret at the refusal of the Council. The Governor then proposed to them to repair the manufactory house, belonging to the province : But the Council replied, that they could not advise to the appropriation of money, not authorized by law. His Excellency then suggested an appropriation from the contingent fund, which was at their disposal. But they declined. He, at last, engaged that the repairs should be at the expense of the crown, if they would advise to the measure. They refused acting at all

in the affair. And the Governor declared he would himself order, that the place should be fitted for their reception. The day following, he received directions from general GAGE to land both regiments in the town, and to reserve the barracks at the Castle for the troops then daily expected from Ireland. Leaving a sufficient number to man the fort on the Island, he ordered the greater part of the two regiments to the town; and they were accordingly landed, in the course of the day, without opposition; one of which encamped on the common, and the Governor gave orders that the other be accommodated in the manufactory house. But the keeper refused the British officer when he demanded entrance. The officer was highly irritated, and threatened to force his way into the building; but his better judgment prevailed, and he offered no violence. It also appeared, that it was not in a proper state of repair to accommodate the troops; and they were quartered for some days in the Market Hall and Town House. GAGE had probably been induced to give this recent order, on hearing of a convention which was called to meet in Boston, at this time, composed of delegates from the several towns in Massachusetts, by recommendation and request of the citizens of the capital. For it was reported by the friends of the British administration, that this convention was for the purpose of forming a general and forcible opposition to the authority of the parent state; particularly to oppose the execution of the revenue laws, and to prevent the landing of the troops. About the middle of October, general GAGE came to Boston, and the demand was renewed on the Council by him, to provide permanent quarters for the two regiments then in the town; as the spare barracks at the castle would be needed for the troops still expected from Ireland. But the Council declared, that in their opinion, they were not bound to make such provision: And as there was no assem-

bly to act in the affair, and the authority of the town declined it, they chose, that the whole business relating to the troops should be conducted by the Governor, and by the British military commander in chief. He, at length, provided for their accommodation, by hiring and repairing houses of individual citizens. The Council, being desirous of attempting every legal and reasonable measure to prevent the troops from landing or remaining in Boston, presented a petition to general GAGE, as governor BERNARD disclaimed all control of them, for their removal out of the province, and particularly from the capital; and representing, that there was no danger or appearance of disorder; but, that great mischiefs might ensue by their continuing stationed among the people. But he observed, that the troops were not under his control, as to their destination: and they were permitted to remain a long time in the midst of a peaceable population, to irritate and insult the inhabitants, though they could not *awe* them; and to try an experiment, at once disgraceful to the agents, and odious to the subjects of a free government, of how far complaints against unconstitutional measures could be suppressed by military force. We shall see, in the issue, that however they might oppress the people, or however they might think to terrify, even by massacre and slaughter, they could not subdue the brave and intelligent citizens of Massachusetts, who inherited a good portion of the spirit of their fathers, and were resolved to maintain their political rights, at every hazard.

While the Council were thus active in their endeavors to guard the rights of the province, the citizens of Boston were not inattentive to its interests. They were fully sensible of the dangers which surrounded, and of the evils which threatened them. But they did not despair. Though their enemies were powerful and insidious, they gathered hope from their patriotism, and from a full belief of the



justice of their cause; and were still resolved to seek redress by all constitutional methods. On the 12th of September, a meeting of the town was called; and they requested the Governor to summons a General Assembly, as the proper organ to protect the rights of the people, and to make known their grievances and oppressions to the administration of the parent State. He refused; and informed them, that he could not comply with the request, until so directed by the King. They then recommended a day of solemn fasting and prayer, which was observed by all the *congregational* societies in the town. They also proposed a convention of delegates from the several towns and districts in the province, to meet at Boston, in ten days. The people readily complied with the proposal; and on the 22d, delegates assembled from more than one hundred towns, and remained in session four days. Their first measure was to request the Governor to call a General Court: but he would not receive the petition. They prepared and published a report; in which "they disclaimed all legislative or governmental authority;" and stated, "that they had been induced to meet, in consequence of great alarm and uneasiness among the people; and as it was reported the petitions of the late Assembly had not been presented to the King, and a large military force was expected for the purpose of assisting in executing oppressive, and (as they believed) unconstitutional laws." They expressed a hope "that their complaints would reach the ears of their gracious Sovereign, and earnestly recommended to the people to refrain from all acts of violence and tumult, as calculated rather to injure than to serve the cause of freedom; and to submit with all due patience to legal authority, till some way of relief should be opened to them." This Convention also prepared a petition to the King, to be presented by Mr. DE BERDT, the agent of the province, residing at London: And a letter to the agent himself, as



they were apprehensive an improper representation might be made of their proceedings, by those who had already suggested, that a military force was necessary to keep down the rebellious spirit in Massachusetts. They repelled the charges which were brought against them, as disturbers of the public peace, and oppugners of legal authority: they declared that the people did not desire independence, and were not disposed to violence and riot: and that the great uneasiness arose from the oppressive measures of administration, and the acts for raising a revenue, which were passed by a legislative body, in which this province was not represented; from the order to have a large military force stationed among the people, to aid in executing these laws; and from the dissolution of the House of Assembly, their constitutional guardian and guide. "We clearly hold," (this is their language) "that the sovereignty of his Sacred Majesty, King George the Third, is entire in all parts of the British Empire: God forbid, that we should ever act or wish any thing in oppugnation of the same. We appear as plain, honest men, humbly soliciting peace and order. We wish ever to promote and cultivate a harmony and union between Great Britain and the Colonies. We have been taught that it is a duty to implore the throne of heavenly grace; and have *but lately* heard it deemed criminal for aggrieved fellow subjects to join in humble, dutiful, and loyal supplications to their King. While the people observe a medium between abject submission and a slavish stupidity under grievous oppressions, on the one hand, and irrational attempts to obtain redress, on the other, and steadily persevere in orderly and constitutional applications for recovering the exercise of their just rights and liberties, they may promise themselves success."

The proceedings of the Convention discovered remarkable coolness and moderation, although the

Governor, at first, condemned the meeting with great severity, and denounced it, as a most unwarrantable act, and little short of actual rebellion. When informed of the result of their deliberations, he acknowledged that it was temperate and prudent. And yet this meeting, holden simply for the purpose of peaceably consulting, in the want of a regular House of Assembly, what measures would be expedient and proper to adopt, to prevail with administration to relax in their severe policy, so oppressive to the people of the province, and to restore them to the full enjoyment of former rights and privileges clearly recognized in the Charter, and guaranteed to them by the British Constitution itself—This meeting was represented to general GAGE as designed for purposes of conspiracy against the government, and to organize an opposition of physical force: And for this reason chiefly it was, that the British troops were ordered into the town of Boston, rather than at the castle in the harbour, a place prepared for the military; and which contained barracks, or territory enough for more, which would have accommodated all the troops, without quartering them in the heart of a populous city. Equally unnecessary and unwise it was, on account of the disorder and riot in June before, produced by the violent seizure of a vessel at the wharf in Boston, by the officers of the Customs, in which only a few of the lower class were engaged, to consider the province as destitute of civil authority and under the direction of a mob; and thereupon to order four regiments of regular troops to do the work of the magistrates. Instead of deterring, it served rather to inspirit the people, and to prepare them for acts of desperation and outrage. But, in truth, a great majority of the citizens, and all the intelligent and well-informed, however ardent their patriotism, and strong their disgust at the arbitrary measures of administration, were opposed to riots and tumults; and were decided and constant in

their declarations, that the only proper means to seek redress, were arguments and petitions. And yet, at this period even, it is possible that some of the wisest and most temperate patriots perceived, that such was the mistaken policy, or the pride of Ministers, that, eventually, if they would maintain and preserve their liberties, they must defend them at the point of the bayonet.

Reference to a letter of lord HILLSBOROUGH, dated June, 1768, who was then the British Secretary for American Affairs, addressed to general GAGE, will serve to explain the views and objects of administration, in ordering a large military force to be stationed within this province. After mentioning, that *private* information had been received from the Commissioners of the revenue, and several *confidential* letters had arrived at his office from governor BERNARD, he says, “the contents of these papers will evince to you how necessary it is become, that such measures should be taken as will strengthen the hands of government in Massachusetts, enforce due obedience to the laws, and protect and support the civil magistrates and the officers of the crown, in the execution of their duty. For these purposes, I am to signify to you his Majesty’s pleasure, that you do immediately order one regiment, or such force as you shall think necessary, to Boston, to be quartered in that town, and to give every legal assistance to the civil magistrate in the preservation of the public peace, and to the officers of the customs in the execution of the laws of trade and revenue. And as this appears to be a service of a *delicate* nature, and possibly leading to *consequences* not *easily foreseen*, I am directed by the King to recommend to you to make choice of an officer for the command of these troops, upon whose prudence, resolution and integrity you can entirely depend. The necessary measures for quartering and providing for the troops must be left to your discretion: but I would submit

to you, whether, as troops will probably *continue* in that town, and a place of some strength may, in case of emergency, be of great service, it would not be advisable to take possession of, and repair the castle, which belongs to the crown.”\*

Comment is hardly necessary to shew, that this measure of Ministers, in ordering a military force, to be stationed in Massachusetts in a time of peace, was owing either to gross misrepresentation of the temper of the people, by governor BERNARD and other enemies to the province, or to a most indiscreet resolution to enforce obnoxious laws by a standing army, which was to overawe or crush a brave and free people. In either case, the blame attaches to the agents of the British government, and not to the patriots of Massachusetts. There might have been some sudden ebullitions and excesses among the lower classes; but an intelligent and sober people would not have permitted violence, so long as any hope remained for redress by just and peaceable means.

The time of which we speak was, indeed, a period of great anxiety and distress. The representative assembly was dissolved, the Governor was the agent of the crown, and the tool of an arbitrary ministry; the petitions, already preferred to the King and Parliament, were not heard; the most unfavorable accounts were forwarded to the parent state, of the temper and views of the people in the province, as if ripe for rebellion; taxes were burdensome; revenue laws most oppressive; the people were deprived of the only means of obtaining specie, either to pay the taxes or their private debts, by restrictions on trade; a large military force was stationed in the capital of the province, ready to check even a peaceable meeting of the citizens to petition for redress.

\* On the contrary, this fortress had always been under the control of the General Assembly of Massachusetts, and kept by provincial troops.

We are to wonder rather that the citizens, accustomed as they were to freedom, and hardy in enterprise, should have been so patient and submissive, than that some disorders occurred, which could not be fully justified in a civilized community. Their privileges, as freemen, were ready to be annihilated: And who can be surprised, or who will censure them, that in some instances their sufferings stimulated them to utter threats of vengeance against their cruel oppressors; and to declare, "that they were prepared rather to die, than to submit."\*

As the only measure, which could be lawfully adopted by the citizens in their individual capacity, they renewed the agreement, in Boston and many other towns, made a year before, to import no goods from Great Britain, so long as the laws remained in force for raising a revenue in the province; and resolutions for this purpose were very generally subscribed; which probably had an influence, in connexion with the representations and petitions of the Council, in producing a change of measures in the British Cabinet. The manufacturers in England suffered by these resolutions of the Americans to suspend their usual importations from that country; and Ministers also became satisfied, that the accounts, from governor BERNARD and the commissioners of the customs residing at Boston, were greatly exaggerated; and, notwithstanding some partial disorders, that the people of the province, generally, were loyal and submissive, and disposed only to seek relief by regular and constitutional methods. The report and address of the Convention, which were published and forwarded to England, and the memorial of the Council prepared in December and sent to the British ministry, were of such a temperate and respectful character, that they made a favorable

\* Governor Bernard, in one of his letters to Lord Hillsborough, at this time, said, "some of the people are *mad* enough to declare, that they would die for liberty!"



impression upon many members of administration, and induced several eminent statesmen to advocate the cause of the province. Mr. POWNALL, who was several years governor of Massachusetts, Mr. BURKE, and others then members of Parliament, openly censured the severe measures which had been adopted, and declared their conviction, that the good people of Massachusetts had been unjustly treated.

It is but justice to the members of the Council, to refer to their statements and arguments on this occasion, so honorable to them as patriots, and so useful in their results, to the citizens of this ancient and loyal province. For to their able and prudent proceedings, in a great measure, it is owing, that the charter was not even then materially altered, so as to dispense with a General Assembly, and to have the counsellors appointed by the crown. Governor BERNARD had, before this, repeatedly suggested it, as the only effectual remedy against the power of the Representatives; and had even declared his opinion, that the charter was forfeited by the refusal of the House to rescind their circular letter, and by the meeting of a convention in Boston, as related above.

In their memorial, the Council gave assurances of the loyalty of the people, and disavowed all intentions of independence or separation from England; they pleaded for the enjoyment of ancient charter liberties and privileges, which had been fully exercised till the year 1764, when the acts of Parliament were passed for taxing the colonies, and raising a revenue on trade, by which they were deprived of the essential constitutional right of raising money by their representatives; and they observed that their commerce was entirely without profit, (though needed to enable the people to pay their debts and taxes) in consequence of restrictions on trade, and of the high duties required by the parent government. To shew, that these taxes and imposts were not

equitable, they adverted to the settlement of the province, its growth, and its defence, through the exertions, sufferings, and toils of their fathers, who had not created any expense to the British nation, (though they had done much to extend its territory, and aid in its wars against France) except in the late campaigns, which were undertaken by order of the English government, and chiefly for the benefit of the parent state; and for a part of which the province had been reimbursed; an acknowledgment, that it had made exertions far beyond its resources, or its just share in the contest. And they concluded, “by praying for the favorable consideration of their memorial; that the charter rights and privileges of the people, and their invaluable liberties as British subjects might be secured to them; and that the several acts of Parliament, made for the purpose of raising a revenue in America, might be repealed.”

## CHAPTER IX.

Some hope of more just Measures—Agents active—But the supremacy of Parliament still contended for in England—Difference of opinion in Ministers—And policy unsettled—General Court called, May, 1769—Proceedings in Boston—Instructions to Representatives—General Court remonstrate against keeping troops in Boston, or the Province—Governor disclaims authority over them—Negatives eleven of the Council, and removes the Court to Cambridge—Protest and Resolutions of House—Governor Bernard recalled—House criminate him—And charge him with having misrepresented the People—Mr. Bernard leaves the Province—The Lieutenant Governor acts as Chief Magistrate—Subservient to British Ministry—Meeting in Boston—And resolve against Importation of English Goods—Massacre of 5th of March, 1770.

EVERY thing had now been attempted by the patriots of Massachusetts, which prudence would dictate or wisdom devise, for regaining their former privileges, and restoring to the province its charter rights, so flagrantly infringed by recent acts of the British government. It remained for them to wait, with manly patience and humble trust in providence, for the administration in England to return to a sense of justice, in its policy and measures towards the colonies. They also found hope for relief, if not for a complete recognition of their rights, in the reflection, that governor BERNARD's representations were not so implicitly credited, as they had been; and that the friends of civil liberty in England were exerting themselves, with fresh vigor, against the arbitrary conduct of the ministry. It was sometime

doubtful, however, from the opinions of civilians and of the common people in England, whether administration would relax of its late arbitrary policy, or would persevere in measures, justly alarming to the advocates of constitutional freedom in all parts of the British empire. The papers relating to the colonies, and particularly to Massachusetts, in which were included various letters of governor BERNARD, general GAGE and the commissioners of the revenue, referring to the *circular* address of February, 1768, to the riot in Boston in June, to the situation of the commissioners, to the convention at Boston in September, and to the opposition of the Council to the landing of the troops in the capital—were all laid before Parliament the last of December, and referred to a large committee, who were to consider what measures were proper to be adopted in governing the colonies. The subject was several weeks under consideration. A very large majority contended for the *right* of Parliament to legislate for, and to lay taxes on the subjects in America: Some denied such a right, and many declared against the equity and expediency of exercising it, in the present condition of the country; and were decided and severe in reprobating the conduct of administration, for dissolving the Assembly and sending over troops merely on the representation of some of their agents, who were known to be disposed, in their own defence, to make the people appear disorderly and factious.

Some statements, calculated to give a more correct account of these proceedings, and of the temper and conduct of the people in the province, were received in England, and circulated with good effect, though not admitted sufficiently formal to be presented to Parliament. BOLLAN and DE BERDT, the agents for the province, were very active in vindicating the rights of the colonies, and the conduct of Massachusetts: and their zealous services had an

influence highly propitious, for which they merited the gratitude of America. DE BERDT had frequent interviews with lord HILLSBOROUGH, and was fortunate in his efforts, in bringing the secretary to a more favorable opinion of the province, than he had been led to entertain from a perusal of the letters of governor BERNARD. His Lordship said, that, if a good spirit continued in the province, he should recommend a repeal of many of the duties and imposts, and that he had a desire to conciliate the colonists: But, that, when laws were passed, they must be obeyed; and that the King even had not power to dispense with the obligations to observe them. Certain resolutions passed the House of Lords about this time, censuring, in the strongest terms, the proceedings in Massachusetts above recited, and authorizing the King or ministers to adopt still more severe measures, by causing those charged with opposition to the laws of Parliament, to be transported to England for trial,\* and giving the Governor power to remove the existing magistrates who were friendly to the people, and to appoint others who would be more subservient to the views of administration: But when sent to the House of Commons, Mr. BOLAN presented an able memorial in favor of the province, shewing the injustice of carrying the resolutions into operation. The petition of the Council, forwarded after the dissolution of the Assembly, was also offered in the House of Commons, and read and permitted to lie on the table; although, when it was known, that that body had no legal existence, except as a part of the executive, and that their meetings had been holden without any order of the Governor, the petition was not allowed to be referred to the committee of the whole House, who then had under consideration the papers relating to Massachusetts.

\* James Otis was already designated, by the agents of administration, as one of the victims.



The debate in the House of Commons on these resolutions, was able and animated. They met great opposition from the true friends of British liberty. More than one third of the members voted against them. It was on this occasion, that Mr. POWNALL, who had been sometime Governor of Massachusetts, and was well acquainted with the character and feelings of the inhabitants, and with the state and resources of America, made an elaborate and eloquent speech against the resolves, and pointed out the errors and mistakes of the policy which ministers had pursued. It displayed the warmth of a patriot, the wisdom of a statesman, and the foresight of a prophet. He expressly declared his opinion, that the colonies could not be coerced into submission to oppressive laws; that though they were a sober, patient and loyal people, especially in Massachusetts, where he had resided, they might be irritated beyond endurance; and that they would contend for their rights, recognized by charter, and belonging to them as British subjects, till they recovered them, or were annihilated by superior force. He said, they were already oppressed by debt, and must not be burdened with taxes for the support of any other government than their own; and that a liberal and just system of governing America was also the most politic and wise, as it was the only means of preserving the confidence and affection of the colonists, so important to the strength and prosperity of the mother country. If it was wished to regain the good will and obedience of the Americans, or intended to treat them as British subjects, which they had ever been considered, he insisted, that terror and coercion, were not the weapons for the purpose; but a just and magnanimous policy.\*

\* His opinion of the policy and conduct of ministers at this time, is happily expressed in the following extract from one of his letters.

“As there is no giving any account of the course of a ship, when she has lost her rudder; so, as we have neither minister nor administration,

The resolutions, threatening and hostile as they were to the tranquility and liberty of the province, were never enforced. Ministers were either satisfied with declaring the supreme power of the government, which it seemed to be their great object to assert and vindicate, in opposition to the claims of the colonies,\* or they were convinced, from the uneasiness manifested, that their former measures were too severe to be pursued among a free people; and that good policy required a more conciliatory conduct. The disturbances in England, at this time, might also have had an influence in persuading ministers to abandon their severe measures towards the colonies, which served to increase their unpopularity. The public mind there was much agitated, on account of different political sentiments between the friends and the opponents of the administration. Two political parties existed in England, as in the colonies: The whigs and tories, or the friends of constitutional liberty, and the advocates for arbitrary power, were engaged in constant disputes and struggles for superiority. The case of WILKES occupied much of the public attention. And the contest was so warmly maintained, as to the legality of his election, and his retaining a seat in Parliament, after being chosen, that it excited an uncommon interest through the greater part of the kingdom, and arrayed almost the whole population either for or against the political principles he professed. There was also great uneasiness in several large manufacturing and trading towns in England, who petitioned for a repeal of the laws for raising a revenue in the colonies, as the non-importation agreements of the Americans greatly injured their trade.

or opposition that seem to have any course at all, excepting merely that of opposing one another, I can give you no account of what they would be at. I might as well write you the shapes of the clouds which have passed over this island during summer."

\* One of the ministers said, they would not suffer a Boston town meeting to threaten and bid defiance to the government of G. Britain.

As is frequently the case with mere politicians, who think less of what is right, than of what is expedient, ministers seem to have adopted a middle course; more desirous, probably, of keeping their places, or of avoiding to give offence to either party, than to pursue a truly dignified and just policy.

When the General Assembly of Massachusetts was dissolved by governor BERNARD in June 1768, because they refused to rescind the circular address of a former House, it was said, the instructions of ministers were that the same requisition should be again made on the Representatives, and with the like condition. But the privilege was now permitted the province of having an Assembly, without requiring such a humiliating measure:\*. But care was taken to assert the supreme and controlling authority of Parliament over the colonial legislatures: And it was also determined to continue the troops in the capital of Massachusetts, to prevent, as was pretended, any future disorders and opposition. For it was said, by the agents and friends of administration, that, although the people had been in a tranquil state, for some months, it was owing to the presence of the military; and that, if now withdrawn, there would be danger of oppugnation and riots. But, in truth, their continuance in the province was the cause of much irritation, as well as of deep and universal concern. It was well known, that they were ordered over for the sole purpose of keeping the people in fear, and of inducing them to submit to acts of the British Parliament, however arbitrary or oppressive. The soldiers were insolent and abusive in their behavior towards the inhabitants, on various occasions;† and it was seriously apprehended that

\* Ministers also proposed to take off the duties on glass, paper, &c. except teas: But the proposition was rejected by those who were for supporting the *dignity* and *honor* of government.

† Females were often insulted; and if complaints were made against the offenders, the person was sure of being assaulted.

disputes might arise of most disastrous consequences. It was believed also, and not without reason, that the object was to overawe and restrain the deliberations and votes of the Legislative Assembly itself.

In April 1769, writs were issued, by the Governor, in the King's name, for a General Court, the last Wednesday of May, the usual time for the first meeting at the commencement of the political year. A large number of British troops were then stationed in Boston,\* where the Assembly was to meet; and several vessels of war were also lying in the harbour. And so imprudent and irritating was the conduct of governor BERNARD, or of ministers in England, in obedience to whose instructions he acted, that some of the military were posted in the vicinity of the building, in which the legislature was to be convened. This circumstance, in addition to others, confirmed the belief, that the British troops were stationed in Boston not only to assist in the execution of the laws of Parliament, but to have an influence on the elections of the town, and even on the votes and proceedings of the House of Assembly. But neither the town nor the Assembly were intimidated by this threatening measure: On the contrary, they bore testimony against it, as highly improper and arbitrary; and their decision and firmness were never more conspicuous than on this trying occasion. The citizens of Boston requested general MURRAY to have the military removed from the town on the day of their choosing representatives. He replied, that he had not authority to do it; but he gave strict orders for them to remain in their barracks through the day. Before they proceeded to the elections, they expressed their disapprobation of having troops placed in the town, as a measure dangerous to freedom, and calculated to produce an influence with individuals,

*Mack*

\* In the town and at the castle, there were about 2000 of the military.



inconsistent with the unalienable rights of the people. This was an expression of feelings worthy of freemen, and deserving perpetual remembrance.\* The representatives for Boston then chosen, received instructions from their fellow citizens, which merit particular notice in a history of Massachusetts.† “This is a time,” they said, “when the country demands the exertion of all your wisdom, fortitude and virtue. It is most important that you maintain freedom of debate, which we esteem a most essential and sacred privilege. You will use your endeavors that the troops be removed from the town, in which the Legislative Assembly is to meet: for their being placed in the vicinity is considered as highly improper, and of dangerous tendency: And you will also insist on their removal from the town and province, as it is inconsistent with the spirit and principles of the British constitution, to quarter a military force on the citizens in a time of peace.” They were also instructed, not to consent to the raising of money to pay for the support of the troops while in the province, which they expected the Governor would recommend; and which was a subject before referred, by the Council, when urged by the Governor, to the General Assembly. They enjoined on them to make enquiry respecting the letters of governor BERNARD to ministers in England, in which both the town and province had been misrepresented; and to whose statements it was probably owing that British troops had been sent over, and other severe measures adopted, which tended to oppress and enslave the people. They were requested to repel these unfounded charges, and to be vigilant

\* The time may come; it has once, at a much later period, threatened us, when the free citizens of Massachusetts were told, that their political opinions were criminal, and must be checked by a military force.

† The committee who prepared these instructions consisted of J. Adams, R. Dana, Joseph Warren and others.



lest the charter should be altered, so as to deprive the citizens of the right of electing the Council; or putting it in the power of the Governor to dissolve the General Court, as his caprice or passion might dictate. Their attention was also called to the laws of Parliament for raising a revenue in the province; and they were urged still to attempt their repeal, as they were not only most oppressive to the people, but of no benefit to the British government; the expences and salaries of the officers being equal to the sums collected. The arbitrary and unjust proceedings of the Courts of Admiralty, they were likewise instructed to protest against; the decisions being according to the will of the judge, without a jury; and its authority, in many respects, being contrary to the *law of the land*. The judgments of this Court had occasioned great oppression and alarm through the colonies; and its inconsistency with the general principles of freedom and of the British Constitution were ably pointed out. These instructions, lastly, referred to the arbitrary act of ministers in ordering the former Assembly to be dissolved, because it declined repealing or censuring the circular address of Massachusetts to the other American colonies in February 1768: And asserted the right of the people, or of their representatives, to petition the King, and to unite also with their fellow subjects in any part of America, in seeking for relief by humble and loyal memorials. Salem, Marblehead, Cambridge, Roxbury, Braintree and several other towns, gave instructions to their Representatives similar to those of Boston. The inhabitants of Roxbury, particularly recommended a correspondence between the House of Representatives of this province, and the Assemblies of the other colonies.

On the day of election, which was the first day of the session, immediately after they had taken the usual oaths, the Representatives sent a committee to the Governor, to declare, “that they claimed that

constitutional freedom, which was the right of the Assembly, and was equally important as its existence—to assure his Excellency, that it was their firm resolution to promote the welfare of the subject, and to support his Majesty's government in the province; to make a thorough enquiry into the grievances of the people, and to have them redressed; to amend, strengthen, and preserve the *laws of the land*; to reform illegal proceedings in administration, and to maintain the public liberty." "This resolution," they said, "demanded parliamentary freedom in the debates of the Assembly; and therefore they were constrained early to remonstrate to his Excellency, that an armament by sea and land, investing the metropolis, and a military guard with cannon pointed at the very door of the State House, where the Assembly had convened, was inconsistent with the dignity and freedom, with which they had a right to deliberate, consult and determine. The experience of ages was sufficient to evince, that the military power was ever dangerous, and subversive of a free constitution; the Council of the Province had publicly declared, that the aid of the military was unnecessary to support the civil authority in Massachusetts; nor could they conceive, that his Majesty's service required a fleet and army at Boston in a time of profound peace; and they had a right to expect that his Excellency, as the representative of the King, would give the necessary orders for the removal of the forces both of the sea and of the land, out of the harbour, and from the gates of the capital, during the sitting of the Assembly."

To this message of the House, the Governor replied, "that he had no control of the King's troops stationed in the town or province, and that he had received no orders for their removal." He had, indeed, no plenary powers in the case; for general GAGE, then at New-York, was commander-in-chief of the British troops in the colonies. He wished also to have as little responsibility or discretion in the affair as possible.

But there could be no doubt, that it was by his advice and influence they were sent into the province ; and he ought to have proposed their being so under the control and authority of the civil magistrate, as to be subject to removal by his order, whenever it should be judged proper. He was, in truth, so fond of arbitrary power, or so unfriendly to the citizens of Massachusetts, who were too intelligent and patriotic to be the tools of even a British Governor, that he made no efforts to conciliate them ; and exerted his authority in the most offensive manner. The House animadverted with great ability and spirit on this message of the Governor. They argued, that as the King was the supreme executive power over the whole empire, so the Governor was his Lieutenant and Representative, and the Commander-in-Chief within this province ; and therefore, that all military officers here were under his control ; that though peace and war were in the King's hand, and it was his prerogative to destine the British fleets and armies to any part of the world ; yet as the troops had been placed in this government for the purpose of aiding the civil power and at his suggestion, and as no such aid was now necessary, the people being disposed to all due submission, and the civil authority being abundantly sufficient for the support of the law and order, they insisted that he was legally competent to advise and direct the removal of the troops ; and that otherwise, it was acknowledging the military independent of, and above the control of the civil power ; which was directly contrary to the spirit of the constitution, and most alarming to all the true friends of rational freedom. The firmness and decision of this Assembly are entitled to the highest praise. The resolution and patriotism they exhibited at this critical period, have never, perhaps, been exceeded by our most meritorious statesmen. The occasion demanded an energy and zeal, which no dangers or threats could subdue. And the men, whom the people had then trusted

with their dearest rights, proved themselves equal to the peculiar exigencies of the times. Nothing was omitted on their part, to shew their abhorrence of despotism, their attachment to constitutional liberty, and their determined purpose to deliver the people from oppression. Before they proceeded to the usual business of electing counsellors or organizing the government, and after receiving the reply of governor BERNARD, in which he declined giving any order to remove the troops, the House caused the following resolves to be entered on their journal; “That, as one branch of the General Assembly, now convened by the authority of his Majesty, according to the royal charter, for the important purposes therein expressed and provided, this House, in duty and loyalty to his Majesty, as well as in regard to their own just rights and privileges, will, to the utmost of their power, support and maintain a constitutional freedom in their elections, debates and determinations: That, in our opinion, the keeping of an armed force by sea and land in this metropolis, and in the port of the same, while the General Assembly, by his Majesty’s command, is here convened, is a breach of privilege, and inconsistent with that dignity and freedom, with which they have a right to deliberate, consult and determine—That this House proceed to take their part in the elections of this day, from *necessity*, and in strict conformity to the royal charter, having already claimed their constitutional freedom; and now protesting, lest their thus proceeding, while the above mentioned troops are suffered to remain in the metropolis, where this Court is convened, be considered a precedent in any future time; or construed as a voluntary receding, of this House, from their constitutional claim.”

Those who knew the haughty and arbitrary temper of governor BERNARD could not expect that he would be condescending in the exercise of official authority; yet it was hardly to be supposed, that he



would causelessly give offence, by objecting to many of the best friends of the people elected to the Council Board. He, however, gave his negative to eleven gentlemen, who had been chosen by the Assembly; among whom were BOWDOIN, BRATTLE and HANCOCK.\* And after they had been some days in session, because they were consulting upon means to preserve the liberties of the people, and obtain redress of grievances, now become almost intolerable, instead of giving their attention to the ordinary business of voting salaries and providing for replenishing the treasury, he undertook to dictate to them what were the proper subjects of legislation; charged them with wasting the public money, by needless debates; and threatened to adjourn the Court to some other place, unless they should proceed in the usual, and, as he pretended, necessary course of business.

The General Assembly was accordingly removed to Cambridge, where it was very inconvenient to be holden, as the records and the House erected for their accommodation were in Boston. Thus the military were suffered to keep possession of the capital of the province; and the Legislative Assembly ordered to another place, because they chose not to be surrounded by armed men. They could not, however, be driven from their purpose of boldly remonstrating against all arbitrary measures; especially, the obnoxious one of keeping a large military force in the province; and of devising proper means for relief to the people. "They were to be the judges," they said, "of what the welfare and prosperity of their constituents required: And as their

\* On negativing the counsellors, Messrs. Brattle and Bowdoin observed to the Governor, that it was a great satisfaction to them to reflect that they had received an unanimous vote for a seat at the Board, which was a most grateful proof of the good will and approbation of the people. They were conscious of having faithfully served the King and the province; and hoped his Excellency had been actuated by such motives as he could fully approve on reflection.



essential liberties and privileges were attacked, and threatened to be wholly wrested from them, they should make it their first inquiry and concern to vindicate and maintain them." A few days after this removal of the General Court to Cambridge, a committee was appointed to consider the state of the province, who reported several resolutions relating to subjects which then so greatly alarmed the public mind. These resolutions were unanimously accepted: and it was also voted, that they should be entered on the journal previously to the House proceeding to the usual public business of the session. As introductory to the resolves, they referred to their remonstrance, on the first day of the Court, to the Governor, "that an armament by sea and land invested the metropolis. where the Assembly had met, and a guard kept with cannon pointed to the very doors of the State House, was inconsistent with the dignity and freedom of the House; and to the reply of the Governor, in which he informed them he had no authority over the troops, and could give no orders for their removal:" and stated, "that instead of the grievance being redressed, the Assembly had been made to give way to the said armed forces, by an adjournment from its ancient and usual place of sitting; thereby giving reason to apprehend, that it is the design of persons inimical to the constitution to have a military power independent of, and uncontrollable by, the civil authority in the province." In their resolutions, they declared, "that they would maintain the honor and dignity of their rightful and gracious Sovereign, by all just means in their power, as well as support the rights and liberties of the people, their own dignity, and the constitutional freedom of debate: That, in their opinion, the British constitution admitted of no military force within the realm, but for the purposes of offensive and defensive war; and that the placing of troops within this province for the purpose of aiding and

assisting the civil government, was therefore an infraction of the natural and constitutional rights of the people, a breach of the privilege of the General Assembly, inconsistent with the freedom, with which the House of Representatives, as one branch thereof, had a right and ought to debate and determine, and manifestly tended to the subversion of that happy form of government, which they had hitherto enjoyed : And that this House proceeded to the public business of the province, while a military force was stationed therein for the above purpose, and even declared to be uncontrolable by the King's Representative and Lieutenant within the same, from *necessity* ; protesting against it being considered a precedent at any future time, or construed as though the House voluntarily receded from any of those constitutional rights, liberties and privileges, which the people and their representatives in General Court assembled, do hold, and of *right* ought to enjoy."

Nor were these patriotic legislators and guardians of the public liberty satisfied with even this *repeated* declaration of their rights, or with these protestations and remonstrances against the arbitrary measures, which then so greatly alarmed and grievously oppressed the people of Massachusetts. They were still intent on preserving their civil and social privileges ; for they had reason to fear, that, without a prompt, firm and resolute resistance to the encroachments of an arbitrary ministry, it would soon be of no avail to complain or remonstrate.\* In this season

\* Extract of a letter from a person in a neighboring colony—"I congratulate you on again having a House of Commons in your province ; and am glad the true old English spirit for liberty still prevails among you. The resolution of the Assembly, not to proceed to the public business under the mouths of cannon, their sensible messages to the Governor, and their firm, decent and spirited resolves, are the subject of joy and admiration to every lover of the British constitution and friend of the colonies. And I venture to predict, that many yet unborn will revere and honor the Massachusetts House of Representatives for 1769."

of anxiety and difficulty, all topics of minor consideration were postponed; and the great subject of deliberation and inquiry was, the most effectual methods of preserving the rights of freemen, now systematically and forcibly assailed. In seven days from the time of passing the resolutions before mentioned, the House adopted several others, reported by the committee who prepared the former; stating particularly, the grievances of which the people had then reason to complain; and exhibiting so fully the opinions and feelings of the Assembly, that fidelity requires a reference to them, somewhat in detail, although similar views and arguments have already been noticed. They declared, “that they bore the firmest allegiance to their rightful Sovereign, King George the Third, and were ready, with their lives and fortunes, to defend his person, family, crown and dignity: That the *sole* right of imposing taxes on the inhabitants of this, his Majesty’s province, is legally and constitutionally vested in the House of Representatives, lawfully convened, according to the ancient and established practice, with the consent of the Council, and of his Majesty, or his Governor for the time being: That it is the indisputable right of the subjects in general, and consequently of the colonists, jointly or severally, to petition the King for redress of grievances; and lawful, whenever they think it expedient, to confer with each other, in order to procure a joint concurrence, in dutiful addresses, for relief from common burdens: That governor BERNARD, by a wanton and precipitate dissolution of the last Assembly and refusing to call another, though often requested by the people, acted against the spirit of a free constitution; and if such procedure be lawful, it may be in his power, whenever he pleases, to render himself absolute: That a general discontent, on account of the revenue laws, and an expectation of a military power to enforce them, the General Court dissolved, and the people

reduced almost to a state of despair, made it proper and necessary for delegates to convene, and advise on the best means to promote peace and good order, to present their united complaints to the throne, and jointly to pray for the royal interposition in favor of their violated rights; nor could such a procedure possibly be illegal, as they disclaimed all governmental acts: That the Governor, in his letters to the Secretary of State, had given a false and injurious representation of the conduct of the Council, and of the magistrates and citizens of Boston; tending to bring on them the unmerited displeasure of their gracious Sovereign, to introduce a military government, and to mislead Parliament into such severe resolutions, as a true, just and candid statement would have prevented: That the Governor, by suggesting that it was necessary the King should have the Council Chamber in his own hands, and should supersede commissions already granted in his name, discovered his enmity to the true spirit of the British constitution, and to the liberties of the colonies; and has struck at the root of some of the most invaluable constitutional and charter rights of this province; the perfidy of which, at the very time he professed himself a warm friend to the charter, was altogether unparalleled by any in his station, and ought never to be forgotten: That the establishment of a standing army in the colony, in a time of peace, without the consent of the General Assembly, is an invasion of the *natural* rights of the people, as well as of those they claim as free born Englishmen, confirmed by Magna Charta, the bill of rights, settled at the revolution, and by the charter of this province: That a standing army is not known as a part of the British constitution, in any of the King's dominions; and every attempt to establish it has been esteemed a dangerous innovation, manifestly tending to enslave the people: That sending an armed force into this colony, under a pretence of aiding the civil authority,

is an attempt to establish a standing army here, without our consent; is highly dangerous to this people, unprecedented and unconstitutional: That whoever has represented to his Majesty's ministers, that the people of this province were in such a state of disobedience and disorder, as to require a fleet and army to aid the civil magistrate, is an enemy to the province and to the whole nation; and has thereby endeavored to destroy the liberty of the subject here, and that mutual harmony and union between Great Britain and the colonies, so necessary for the welfare of both: That the misrepresentations of governor BERNARD respecting the state of the province, have been the means of procuring the military force now quartered in the capital: That whoever gave orders for quartering the soldiers in the Court House and in the Representatives Chamber, thus making a barrack of the same, placing a guard with cannon pointed near the said House, and centinels at the door, designed a high insult, and a triumphant indication that the military power was master of the whole legislature: That general GAGE, by asserting in his letter to the Secretary of State, that there was no government in Boston, and that the constitution of the province leaned too much to democracy, and that the Governor had not power to remedy the disorders which happened in it; has rashly intermeddled with the civil affairs of this province, which are altogether out of his department; and of the internal police of which he has betrayed a degree of ignorance equal to his impertinence: That this House, after the most careful enquiry, have not found an instance of the course of justice being interrupted by violence, except by a rescue committed by one who was an officer of the navy and of the customs; nor of a magistrate refusing to enquire into or redress any injury complained of; while it is notorious, that even the acts of Parliament deemed oppressive by the whole continent, have never been opposed by vio-



lence, and the duties imposed and exacted have been punctually paid : That the frequent entries of *nolle prosequi*, by the attorney and advocate general, in cases favorable to the liberties of the people, and rigorous prosecutions by information and otherwise, in those in favor of power, are daring breaches of trust, and insupportable grievances on the people : That the late extension of the power of courts of admiralty in America, is highly dangerous and alarming ; especially as the judges of the courts of common law, the only check upon their inordinate power, do not hold their places during good behaviour ; and those who have falsely represented to his Majesty's ministers that no dependance could be had on juries in America, and that there was a necessity of extending the power of the courts of admiralty, so far as to deprive the subject of the inestimable privilege of a trial by jury, and to render the said courts of admiralty uncontrollable by the ancient common law of the land, are avowed enemies to the constitution, and manifestly intend to introduce and establish a system of insupportable tyranny in America : That a board of commissioners of customs in America is an unnecessary burden on the trade of these colonies, and that the unlimited power they are invested with of making appointments and allowing compensation, tends greatly to increase the number of placemen and pensioners, and is justly alarming, and dangerous to the liberties of the people : That it is the opinion of this House, that all trials for treason, or any crime whatever, committed or done in this province, by any person residing here, ought, of right, to be had and conducted before the courts held in said province, according to the fixed and known course of proceeding ; and that the seizing of any person, residing in this province, suspected of any crime whatever, committed therein, and sending such person to places beyond the sea to be tried,\* is highly

\* This was provided by one of the resolves of Parliament, Feb. 1769.

derogatory of the rights of British subjects, as thereby the inestimable privilege of being tried by a jury of the vicinage, as well as the liberty of summoning and producing witnesses on such trial, will be taken away from the party accused."

The day these resolutions were voted, governor BERNARD informed the Assembly, that he had received his Majesty's commands to repair to England, and lay before him the state of the province. Although these resolves were prepared and reported by a committee of the House, before this communication of the Governor was made to them, it had been reported for some time that he was to be recalled; and probably the severe reproaches cast upon his administration are to be accounted for, on the belief of his being soon to leave the province in consequence of some disapprobation of his conduct even in England. Nothing but a full proof his great misrepresentations of the state of the province and of his advice to an alteration of the charter, could justify the heavy charges they alleged, and the censures they heaped upon him in their public declarations. His various letters to ministers for the year past, in which he had exaggerated whatever was disorderly or imprudent in the people, and given a false coloring to the proceedings of the Council and of intelligent individuals, however regular, if opposed to his wishes; these furnished sufficient evidence of his being inimical to the rights and liberties of the province; and though he could not be supposed to have originated the oppressive system of taxing America, it was known that he constantly apologized for the authors of it: that he had recommended the late alarming measures; and was well disposed to carry them into effect by aid of a military force. Ministers even, at this time, became convinced, that if the people of Massachusetts were to be reconciled to the parent government, or diverted from further opposition, governor BERNARD must be recalled;

and a character of more prudence, at least, placed at the head of the province. They were led to believe that the citizens of this ancient colony were not so turbulent and factious as had been represented ; and if ministers had not enough of principle, they were too apprehensive of censure, to drive them into a state of rebellion, by needless irritation. The policy of administration was not indeed materially changed : But while there was a determination to assert the right of Parliament to govern and legislate for the colonies, there was a disposition to relax in some particular measures, against which the people loudly and justly complained. In fact, there were many eminent statesmen in England, who believed, that severity was not the proper course to be pursued towards America ; and that the prosperity of the parent country would, in some measure, be affected by an open rupture, or a long continued alienation.

The estimation, which the House of Representatives had for the character of governor BERNARD may be perceived by their reply to his message, informing them of his intention to leave the province, in compliance with the direction of the King. “ We are bound in duty at all times,” they said ; “ and we do, more especially, at this time, cheerfully acquiesce in the lawful command of our Sovereign. It is a particular satisfaction to us, that his Majesty has been pleased to order a *true* state of this province to be laid before him ; for we have abundant reason to be assured, that when his Majesty shall be fully acquainted with the great and alarming grievances, which his truly loyal subjects here have suffered, through your administration, and the injury they have sustained in their reputation, he will, in his great clemency and justice, frown upon and forever remove from his trust, all those, who, by wickedly misinforming his ministers, have attempted to deceive even his Majesty himself. Your Excellency is best acquainted with the part you have acted : Your let-

ters have enabled this House and the public, in some measure, to form a judgment. And while you will necessarily be employed, as this House conceives, in setting your own conduct in the most favorable light before his Majesty, we are persuaded we shall be able to answer for ourselves and our constituents to the satisfaction of our Sovereign, whenever we shall be called to do it.”\*

Toward the close of this season, the Governor proposed to the General Court to provide funds for discharging the debts incurred for the support of the British troops, which had then been in the province about eight months ; and to prepare accommodations for them in the town of Boston, or at the Castle. The proposal, he informed them, was made at the request of general GAGE, who was the commander in chief of his Majesty’s forces in the colonies, and by the more immediate requisition and *demand* of the commanding officer of the troops stationed in this province. The repeated applications of the Governor to the Council and to the municipal authority of

\* It may serve to shew the instability and caprice of the character of governor Bernard to mention, that although he had, by a special message urged the Assembly to make provision for supporting the posts and garrisons in the province ; yet, when the House passed a resolve for an establishment at the Castle consisting of fifty men, &c. he would not consent to it. For this strange conduct, he gave no reason ; but, perhaps, it is not difficult to furnish a sufficient one. He had time to reflect, that if the Assembly made provision for a suitable military guard at that place and kept possession of it accordingly, there would be less reason for ordering regular British troops there ; and that a difficulty also would arise in having it a fixed station for them. A vote of the House of Representatives, adopted about this time, will furnish new proof of their watchful care of the public interest ; and to some, perhaps, manifest a disposition to prefer claims respecting concerns of little importance. The commissioners of the customs, it will be recollected, took up their abode at the Castle for sometime in the year 1768, as they apprehended insult from the populace in Boston. The House resolved, “ that in consideration of their occupying twenty-one rooms on Castle Island belonging to the province, for four months and an half, the Treasurer be directed to demand of them £54:4s. rent for the use of said rooms ; it being at the rate of two dollars a month for a room ; and *half* as much as governor Bernard demanded for each of those rooms, of the inhabitants of the province, who had the small pox in said rooms.”



Boston, on the arrival of the troops in October 1768, for quarters and provisions, and the various objections made to the request, with the final and reluctant assent of the Council, that provision be made for those placed at the Castle (for those in the town, they never did consent to make any provision, protesting that they ought not to be there quartered) on condition, the contractor would take the risk of obtaining a reimbursement from the General Assembly, have been above narrated. The House did not immediately notice this request of the Governor, and in a few days, he again called up the subject, and urged the necessity of the case; and insisted on knowing their determination. They replied with much spirit, and some asperity; being indignant at the *demand* made upon them as the Legislative Body of the province, who were to judge of the propriety and necessity of paying such expenses from the funds of their constituents, and averse from having a military force stationed in the capital, even if supported by the crown. They claimed, as on all former occasion, the right to deliberate and decide freely on appropriating the funds of the province for this purpose; and noticed the high tone of an inferior military officer, when making an application to the General Assembly, compared with the terms used even by ministers themselves, on a call upon the provincial legislature. They, always, in the name of the King, made a requisition; a term, which they considered not inconsistent with their rights as a Legislative Body, and which allowed them to act voluntarily in complying with such recommendation or instruction: But now a subordinate officer had made "a peremptory demand;" which they thought would have been deemed an indignity by the Governor; which, however, they were not disposed to pass by, without an expression of proper resentment. Similar instances too often occur in the history of military affairs: And although no axiom or principle, espe-



cially in free governments, is so universally acknowledged, as the subordination of the military to the civil authority, we have sometimes seen, in a collision between them, the military assuming an independence and superiority ; and, by insolence and threats, exercising a degree of influence extremely dangerous to the liberties of the people, and calling for the severe reprehension of every true friend of republican government. The House also referred to their opinion, expressed in the resolutions passed at an early day of the session, of the illegality of stationing troops in the province, in a time of peace, and of the great mischiefs and unnecessary expense of such a measure. They intimated their belief of the unconstitutionality of the mutiny act, by virtue of which the troops had been placed in Boston, and support required for them, of the Assembly ; and declared, that, according to their construction of the law, they were obliged to provide for those only who were quartered in public barracks ; and that it was made the duty of the municipal authority of each town, to furnish quarters and provisions for such as could not be received at the forts ; suggesting, however, that even this was obligatory in case only of troops remaining for a short time in the province, on their march to the place of their permanent destination. They took occasion, likewise, in this reply, to advert to the general alarm and complaint among the people arising from the various acts of the British Parliament imposing taxes on the colonies, for the express purpose of raising a revenue, in which they had no voice ; and which, they conceived, might rather be called “ *acts for raising a tribute in America, for purposes of dissipation among placemen and pensioners.*” They declared, that, if this system should be long continued, there would be as grievous oppression and distress as were known under the administration of the most tyrannical Governors in the Roman provinces, at the period of the greatest corruption

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and venality. "By this regulation" (of requiring support of the military) they said, "the *yet* free representatives of the free Assemblies in America, are called upon to repay, of their own and their constituents money, such sums, as persons over whom they had no check or control, might be pleased to expend. As representatives, we are deputed by the people, agreeably to the royal charter, and laws of this province. By this charter and the nature of our trust, we are only empowered to grant such aids and levy such taxes for his Majesty's service as are reasonable; of which, if we are not free and independent judges, we can no longer be free Representatives, nor our constituents, free subjects. Your Excellency must, therefore, excuse us, in this express declaration, that as we can not, consistently with our honor or interest, and much less with the duty we owe our constituents, *so we shall never make provision for the purposes in your messages above mentioned.*"

There was a remarkable unanimity in the votes and proceedings of the representatives at this most critical period: a satisfactory proof was thus given of the general sense of the people, that their liberties were in imminent danger, and that a firm and full expression of their feelings was requisite to maintain them. There was indeed no intention of forcible opposition to the authority, or of separation from the government, of England. But all were highly dissatisfied with the arbitrary conduct of administration, and ready to join in legal measures for redress.

Soon after the Governor gave official notice to the General Court, of his design to repair to England, agreeably to the orders of the King, though he intimated that he should not vacate the chair, but return to Massachusetts, the House prepared a petition to his Majesty praying him to remove Mr. BERNARD *forever* from his station, at the head of this province.

They considered it some relief to be freed from his most ungracious and unaccommodating administration. While he remained as chief magistrate, with his arbitrary principles and insolent manners, they had reason to fear continual disputes and excitement. They could not, indeed, believe, that he had dictated the late severe measures, or that ministers would materially depart from the policy hitherto pursued, on account of his absence from the province ; but they well knew that his exaggerated statements had been the plea for the recent most alarming order of sending a large military force into this part of the country ; and that he had even advised to a change in the charter, which would take power from the representatives and put it into the hands of the administration in England. There was a hope, at least, if not much probability, that a different person, as the representative of the King in the province, would be more mild and accommodating in his temper, and more sensible to the complaints and petitions of the people. But events will shew how little reason they had to indulge in such flattering views. The administration adhered to the system of governing and taxing the colonies, without permitting their Assemblies to have any voice or influence in the regulations imposed : And it was not difficult to find those, who were so fond of place and power, or so ready to admit the unlimited authority of the British Parliament, as to be fit agents for enforcing arbitrary and oppressive laws upon the subjects in America.

If the charges preferred against the Governor by the Assembly were well founded, it was not strange that the citizens of Massachusetts had become greatly disgusted and displeased with his official acts ; and had some expectation of comparative quiet on his departure. And, even if allowance be made for some exaggeration in their complaints, in consequence of the great excitement of that period, we shall per-

ceive sufficient reason for the petition to the King, that governor BERNARD might not be longer continued as chief magistrate of the province. He embarked for England in August 1769, with the regrets of none who were sincerely desirous of the freedom and welfare of the colony; but followed by the honest indignation of every intelligent and upright patriot, for the misrepresentations he had often made of the views and conduct of the oppressed citizens, and the arbitrary and unfeeling manner in which he had executed the obnoxious laws of the British ministry. He left the province in the same unfriendly spirit, by which he had been actuated for several of the past years of his administration; and prepared, no doubt, to be its bitter accuser at the British court. His last address to the General Court abounded with angry criminations; tho' he pretended to apprehend the displeasure of the King for the great favor and indulgence he had shewn to the people of this province. He charged them with a direct and open invasion of the rights of Parliament: And intimated, that, no representations of his could possibly place their conduct in a more aggravated view than had been done by their own publications. But his censures and reproaches were no longer heeded by them; nor did they continue to injure them in the opinion of administration. For on his arrival in England, he was treated with very little respect; as it was evident, that to his rash and imprudent conduct, much of the difficulty in the province, and of the embarrassed situation of the ministers, were to be attributed.

On the departure of Sir FRANCIS BERNARD, Mr. HUTCHINSON, who had been several years the Lieutenant Governor, acceded to the chair of the chief magistrate. Some notice of his character, talents and principles has already been given. He was mild and prudent in his deportment; and some were disposed to predict favorably of his administration, because he was a native of the province, and was



supposed to be naturally attached to the ancient rights and liberties of his fellow citizens. But he had been too long associated with the arbitrary BERNARD, and was too ambitious of the favor of the British government, to be faithful to the interests of the people. He possessed more than a common share of learning and talent, which, united to a specious, not to say sophistical manner of writing, made him, in fact, a more formidable enemy to the province than even his predecessor. His chief object, we shall see, was to preserve the smiles of his royal master, and to fulfil most rigidly the commands and instructions of an arbitrary ministry. Had the successor of governor BERNARD been a sincere and firm friend to the rights of the province, though, at the same time, duly disposed to maintain the prerogatives of the King and the just authority of Parliament; one who had been disposed to conciliate, rather than to criminate, and to represent favorably, rather than to exaggerate, the temper and conduct of the people, harmony would probably have been, in a good degree, restored to the province; and the separation of the colonies from the parent state delayed for many years. For whatever may be justly said of the patriotic efforts made in the other colonies, had Massachusetts relaxed in her firm opposition, the British government would have had much less to do or fear from the dissatisfaction in America. But ministers still advanced claims over the colonies incompatible with their charter rights and privileges: And Mr. HUTCHINSON, though less arbitrary, in manner, than BERNARD, was, perhaps, equally ready to enforce and to apologize for every measure they adopted. The resolution of Massachusetts, in defence of civil liberty, we shall find, remained unabated: And she had to prepare, indeed, for sufferings and for struggles greater still than on any former occasion.

It had been usual to have a session of the General Court in the month of September or October; but



when governor BERNARD prorogued it, in July, this year, it was to January following. Nothing, therefore, of a legislative nature, and no proceedings in the name and behalf of the province, are to be recorded at this period. But while a large military force remained in the capital, to insult the people and enforce oppressive acts of the British Parliament, under the direction of interested placemen, and without due course of law, a general dissatisfaction prevailed, and the intelligent patriots were consulting, in all proper ways, for the freedom and welfare of their country. The newspapers printed in Boston, and which circulated in all the populous towns of the province, were filled with able and spirited essays, in vindication of the rights and liberties of the colonies, and with arguments against the arbitrary policy of the parent state. Boston was then, as on most other occasions, the "head quarters of good principles:" Its inhabitants were always the ardent friends of civil liberty. And if a portion of them, when grievously oppressed, were sometimes prepared to commit acts of violence, and were chargeable with some excesses which could not be fully justified, they were generally restrained and regulated by the good sense of the more discreet and judicious. We have seen with what promptness and resolution they opposed various attempts to terrify or seduce them into submission to the unjust laws of Great Britain. They had always faithfully given the alarm to their fellow citizens through the province, in times of danger; and with them, generally, originated the most proper and effectual means for redress. In the beginning of this year, they prepared a very able and loyal petition to the King, stating the various grievances of the people, vindicating their conduct from the unfounded aspersions of governor BERNARD, and appealing to the clemency and justice of their Sovereign for relief. They declared, "they sincerely and ardently desired the former happy union between Great Bri-

tain and this country restored; but they should not be satisfied with a repeal of the duties on some articles imported, as ministers had proposed, and that merely upon commercial principles: That it would not wholly relieve trade from the burdens under which it labored; much less, remove the grounds of discontent, which prevailed through the colonies, upon much higher principles: Their *rights* were invaded by those acts; and until they were *all* repealed, the cause of just complaint would not be removed: In short, they should never think their grievances redressed, till every act, passed by the British Parliament for the express purpose of raising a revenue upon them without their consent, was repealed; till the Board of Commissioners of the customs was dissolved; the troops withdrawn; and things restored to the state they were in before the late extraordinary measures of administration took place." The presence of a large military force in the town was a cause of continual alarm and discontent: They had opposed every legal obstacle to their being stationed among them, and continued to solicit their removal lest greater evils might ensue. In the fall of this year, they renewed their agreement for the non-importation of British goods; and the few individuals\* who had disregarded the resolution for this purpose, were severely censured, and declared to be deficient in a just regard for the welfare of the province.† Great efforts were made

\* Mr. Hutchinson's sons and three others only in Boston refused to subscribe to the agreement.

† The merchants, very generally, discovered a most patriotic and disinterested spirit; regarding rather the liberty of the people than their own particular profit: And at a meeting, in January 1770, said to have been larger than ever known, the town voted to use all proper arguments to prevail with those who imported goods to conform to the resolution before adopted, as in their opinion the most pacific and effectual method to preserve their civil rights. The Lieutenant Governor sent a written message to them by the sheriff, requiring them immediately to separate and disperse, and to forbear all such unlawful assemblies in future. The citizens unanimously voted "that the sheriff

for a general compliance with this recommendation, which gave offence to the partizans of British power: The Lieutenant Governor interfered in the affair, and threatened those, who were active in procuring subscribers to the agreement, with ministerial resentment. There was a particular interest felt on this subject, as it was reported, that the duties were to be taken off most articles, and the merchants, consequently, advised by the friends of administration, to order goods from England, as formerly. But at this time, it was only known in the province, to be a proposition of ministers to repeal the duties, and that only in part, while they were to be continued on some articles, as an evidence of their claim to govern the colonies in all such cases as they might think proper. The patriotic citizens of Boston chose not to expose themselves to any such deception or disappointment in this respect; and knowing that their former agreement had produced an opinion in England, in favor of America, they determined to adhere to it, till circumstances would fully justify them in receding from it, without danger to their civil and political privileges.

This attempt to conciliate the colonies was made soon after the amiable Duke of GRAFTON\* was placed at the head of the British administration; and it was the most favorable measure the friends of America were able to carry. But the duty on tea remaining, an article, at this time, in general use among the people, and the *right* of taxing the subjects in the colonies, by the Parliament of England being still fully asserted, there could be no prospect of submis-

inform him, his address had been read and attended to with all deference and solemnity; that, after serious consideration and debate, it was their opinion, the meeting was warranted by law; and that it was their determination to keep consciences void of *just* offence towards God, and towards man." Wm. Phillips, Esq. was moderator of this meeting; and A. Welles, Edward Payne, H. Inches and others were of the committee of inspection to ascertain who violated the agreement.

\* He was a particular friend of the learned Bishop Watson.

sion or tranquility. The patriots of Massachusetts, and in the other colonies, were contending for a great and essential principle in all free governments; the privilege of judging and deciding for themselves, by their representatives, as to the nature and amount of all taxes, which the people should be bound to pay. This, they were resolved never to yield: and, with all their submission to law and their love of order, so long as the British government refused, or interfered with this just claim, they were prepared to struggle, and determined to oppose, until their great object was attained, and their civil freedom fully recognized.

The conduct of the citizens of Boston, notwithstanding some statements of a different import, it is believed, may be well vindicated from the charge, of having rashly occasioned the awful catastrophe of the fifth of March, 1770. It is true, that the minds of the people were greatly irritated, and that some individuals were abusive in their language towards the military. But whenever examination was carefully made, it appeared, that the soldiers were the first to assault, to threaten, and to apply contemptuous epithets to the inhabitants. It might have been prudent and wise in the people, to have borne these taunts and this insolence, with more patience; waiting for relief, until an act of the British government had ordered the troops from the town. They had the spirit and the courage, however, defenceless as they were, to return the insolent language of the soldiers; and when threatened and attacked, to stand in their own defence: And, in the several rencountres which took place, were able to repel their assailants.

Every circumstance connected with this wanton and sanguinary event, is important to be noticed. The people were provoked beyond endurance; and they can be justly accused only of resisting a fierce and vindictive soldiery, at the hazard of life. On



the 22d of February, a few boys appeared in one of the streets, bearing some coarse paper paintings, with the figures of the importers of British goods. They were met by one R——, who was known to be an informer to the custom house officers, against the citizens suspected of attempts to evade the laws. He endeavored to prevail with a countryman, then passing, to destroy the pageantry. But the man declined; and he attempted himself to mutilate and deface them. This occasioned a collection of people, who were in the vicinity of the spot. R—— was very abusive in his language, and charged some of the citizens who had assembled, with perjury, and threatened to prosecute them. But they seem to have considered him too insignificant to be noticed. The boys, however, who were quite young, and who had brought the pictures into the street, followed the man to his house, and gave him some opprobrious and reproachful language, which were the only means of redress in their power, for his attack. The moment he entered his dwelling, he seized a gun: this rather irritated than terrified the lads, and they began to pelt the house with snow balls and stones. He fired from one of the windows, and killed a boy of eleven years of age. A great excitement was produced among the people, by this unnecessary and most wanton conduct. The funeral of the lad was attended by an immense concourse of the inhabitants; and he was considered a *martyr* in the cause of liberty.

The soldiers, when they left their barracks and strolled about the town, frequently carried large clubs, for the purpose, no doubt, of assaulting the people, though with a pretence for their own safety. The citizens were not so imprudent or foolish, as to make an attack upon the troops, even when few in numbers, or at a distance from their quarters: For they knew that vengeance would have been executed upon them. On the second of March, two of them



rudely insulted and assaulted a workman at a rope walk, not far from their barracks: being bravely resisted and beaten off, they soon made another attack, in greater numbers, probably ten or twelve. They were again overpowered by the people at the rope walk: And a third time came, with about fifty of their fellows, to renew the assault. But they were still vanquished, and received some wounds and bruises in the affray, which they had thus wantonly provoked. They appeared yet again with large recruits, and threatened vengeance on the defenceless workmen. But the owner, or the conductor of the rope walk, met them, and prevailed on them to retire, without making the meditated assault. Perhaps, the more discreet among them were satisfied of the impropriety of their conduct, or were fearful of the consequences of another attack. On the third, in the afternoon, several of the soldiers, armed with large clubs, went again to the rope walk; and after much insolent and threatening language, struck some of the workmen.

In consequence of these various quarrels, and of the violent threats of the soldiers, that they would be avenged, when, in truth, they had been the rude aggressors, the minds of the citizens were greatly alarmed on the fourth and fifth; and so apprehensive were many, of an attack from the military, as threatened, that in some instances they required their children and the female part of their families to remain at home during the evening. In the early part of it, several soldiers were seen parading the streets in different parts of the town, armed with heavy clubs, seeking, undoubtedly, for an opportunity to assault, if not to murder the peaceable inhabitants. Two persons, passing in the vicinity of the barracks, were attacked and beaten, without offering any provocation; but being thus violently assailed, they stood on their defence, and gave the soldiers some blows in return. Three of the citizens, coming from the

south part of the town, were also met by a number of soldiers, and rudely stopped in their walk, and threatened with violence. The soldiers, who had made an assault near the spot where the regiment was stationed, on being struck by the citizens whom they attacked, fled to the barracks; but soon again with many others, sallied forth into the streets, armed with swords and cutlasses, and uttering threats of vengeance and death; pretending that their comrades had been first assaulted, when, in truth, the several attacks were first made by them on the defenceless citizens. Thus enraged and thirsting for blood, they roamed about till they reached the street in the centre of the town, where the custom house was situated, guarded by a centinel, and on the south side of which, near the State House, a military guard was stationed, under command of captain PRESTON. Here, and on their way, they met different small parties of the inhabitants, who, alarmed by previous threats, and by the tumults of the evening, were abroad, to witness, as was natural, the transactions of which many were apprehensive; or to prevent, if possible, the excesses of an unfeeling soldiery. These also were assaulted, and some of them were too brave and fearless to be attacked, without making resistance for self-preservation.

These events increased the alarm and apprehensions of the citizens, in this part of the town; a bell near the head of the street was rung, and many thereupon collected at this place. Nor was it strange, that some of them were so irritated as to be eager for an attack upon the centinel; the party of soldiers before mentioned having returned to the barracks. Many of them moved down the street, on the north side, as far as the spot where he was posted. He was accosted with abusive and insolent epithets, and pelted, by some of the young and imprudent persons present, with snow balls. And if it were proper to separate this particular affair from the assaults which

had been already made by the soldiers, as above related, it must be admitted probable, that the first attack, though without design to perpetrate any deadly act, was from the inhabitants. Yet, even in this case, which, however, seems not a just view of this murderous transaction, there was much evidence to shew, that the sentinel was the first to give a blow, though he was assailed by abusive language.

The tumult, which ensued, induced the sentinel to send a person immediately to the guard house; who gave information, that he had been assaulted, and needed protection. Captain PRESTON, accompanied by eight armed soldiers, soon went from the guard house, and forced their way through the crowd of citizens to the station of the sentinel. In this rapid and forcible passing of the soldiers, several of the inhabitants were struck by them; but whether with design, it would be difficult to decide. Snow balls, and probably other matter, were again thrown by some of the citizens: And directly, the word was audibly given, "fire; damn you, fire." The soldiers obeyed the rash and fatal command; and eleven of the people, assembled, certainly without any design to commit excesses, even if we should allow their collecting was an imprudent act, were slain or wounded on that dreadful evening.

It is difficult to express the mingled emotions of horror and indignation excited by this fatal catastrophe. The intelligent citizens earnestly solicited the Lieutenant Governor, the same evening, for the immediate removal of the troops from the town. He was greatly agitated on the occasion; apprehensive, probably, of some personal attack or insult from an injured and highly indignant populace: He requested the commanding officer of the troops, that the greatest care be taken to keep them within their barracks.\*

\* It appeared, from the conduct of the Lieutenant Governor, that he had no control over the troops. They were not, in fact, subject to the civil authority.

The next day the citizens of Boston assembled, and voted to continue their applications until the British troops should be removed from the town: And with such resolution did they pursue this object, so interesting to the people, that in a few days, they prevailed; and all the military were ordered to the Castle.

This tragical affair has been differently represented, by those who have related it; and even immediately after it took place, the opinions of impartial men did not coincide, in reference to all the circumstances connected with it. Many have believed, that the conduct of the soldiers was excusable on the principle of self-defence; and that great blame attaches to the citizens for the abuse and violence which they offered. Truth, however, obliges us to observe, that, on examination of the most correct statements, and on weighing the testimony of intelligent witnesses, given without prejudice and fear, it appears most manifest, that the several riots and outrages of that memorable evening, were begun by the soldiers; that the citizens acted on the defensive; that the fatal deeds, by which they were closed, were unnecessary, wanton, and proof of a murderous design: And, that, in a word, there was a combination among a number of the troops, to spill the blood of the injured and oppressed inhabitants.\* Captain PRESTON and the soldiers were indicted for murder; and had an impartial trial, according to the wholesome laws of the land, which resulted in their acquittal. It would be improper, therefore, to say, that the decision was not correct. The intelligent citizen must ever rejoice in the triumph of law, whatever are his feelings or his prepossessions. The men were most ably and

\* This was the opinion of the Council, composed of grave, prudent and intelligent men, who made a careful inquiry into the affair, a few days after, and published the result to the world.

ingeniously defended by two eminent counsellors;\* the prosecution was conducted by a gentleman of talent and learning;† and an upright, independent jury gave a judgment in their favor.

Verdict of

\* J. Adams, and J. Quincy.

† R. T. Paine.

The jury was against the 3 Witnesses. One was held to be innocent as not having fired. All the rest were held to be guilty of the felony of manslaughter; & if there were supposed to escape conviction, it was from fear of confounding the one innocent one with the guilty. Against the two who were identified as having fired, the verdict was, guilty of manslaughter. The act was condemned by the jury as wanton & unjustifiable, but not as wholly unprovoked.



## CHAPTER X.

Evils of standing army in time of Peace—Court convened at Cambridge—Riot at Gloucester—Message of Governor respecting it, and reply of the House—Dispute on holding the Court out of Boston—Instructions of Ministers to supersede Law—Protest of House against it—Instructions of Boston to Representatives—General Court convened again at Cambridge—Remonstrance of House against it—They refuse to proceed to business—Dispute of House and Council with Lieutenant Governor on the force of Instructions—Court prorogued without attending to public business—Governor's conduct approved in England—Castle taken from provincial troops, and put in possession of British forces—Arbitrary policy of British Ministers excites great discontent—Dr. Franklin chosen Agent—Instructions to him—Resolutions to promote manufactures and industry—Dispute between House and Lieutenant Governor, respecting enacting clause in the laws—Conduct of the Council.

HAD the wishes and remonstrances of the town of Boston, or of the House of Representatives been attended to, had the warning voice of the most intelligent and respectable characters in the province been duly regarded, the troops would never have been stationed in the midst of a populous city, and the history of Massachusetts, in a time of peace, had not been thus stained with blood. On any supposition, there was no necessity for a military force to be placed at the doors and in the walks of a peaceable population. Even were there dangers of riots, or opposition, from some of the lower class of people, to the Custom House officers, as pretended, it would have been sufficient to place troops at the Castle, a

fortress destined and prepared for them ; as, in the event of an insurrection, or of a serious tumult, they might readily be ordered to the town, to support the civil power, and restore tranquility. The tragical result of thus placing the military among the people, in time of peace, whatever may be the pretext, furnishes a solemn admonition against such an impolitic and unjust measure, especially under a free government: And proud and boastful as America justly is of her liberty, she cannot be too anxious to guard against such an arbitrary and dangerous exercise of power, even in the most celebrated of her citizens.

Although there had been but one session of the Legislature for eighteen months, and the public business was greatly in arrears, the Lieutenant Governor postponed the Assembly from January, the time to which it had been prorogued by governor BERNARD, to the middle of March ; and then ordered that it be convened at Cambridge, instead of Boston, the ancient and usual place of its meeting. The reason given by him for this measure, was, that he had been so instructed by the British ministry. He said nothing, in his public message to the General Court, respecting the state of the province, notwithstanding the great alarm and distress which prevailed among the people ; and which seemed necessary to tranquilize their feelings, and give some relief to their anxiety. His duty to the King, his royal master, he said, he was resolved faithfully to discharge ; and gave promises also of a readiness to unite with the Assembly in all proper measures for the welfare of the province. It was particularly surprising, that he took no notice of the recent tragical event in Boston, produced by the British troops ; when, a few days after, he sent a special message to inform the House of a trifling affray at Gloucester ; in which a petty officer of the customs was said to have been abused ; and called on them

to afford assistance, in bringing the agents to just punishment. In reply to this latter communication, the House declared their abhorrence of all tumults and riots; but reminded the Lieutenant Governor of the grievous and aggravated oppressions, which the people were suffering; and expressed a hope, that all causes of excitement and opposition would be removed by the British government. They spoke, in high terms, of the loyalty of the citizens, which had been often called in question, by those who were regardless of the welfare and rights of the province: And expressed an opinion, that no interference on the part of the Legislature was necessary to the public tranquility; the laws being sufficient to preserve order, and to maintain the authority of the government. They also took occasion to observe, that they were fully convinced all the tumults which had been made by the people, were to be referred to the late arbitrary measures of ministers; and that they feared quiet would not be restored until the troops were withdrawn from the province.\*

The House of Representatives and the Council were occupied, a great part of this session, in remonstrances against the removal of the General Court to Cambridge; and in shewing, that law, usage and convenience were in favor of holding it in Boston. This dispute was important and interesting, on account of the principle which was involved in it. It was, indeed, inconvenient for the Assembly to hold its sessions in any other place than Boston, where the records of the province were kept, and where were the public buildings and offices for the accommodation of the Legislature. But the great objection was, to the assumption of power in the British administration to direct the Governor, of their own arbitrary will, to control the Assembly contrary to law, and to their construction of some clauses of their

\* See Note III. in the Appendix.

charter. It was contended by the Council and House of Representatives, that the Governor had a discretionary power, in this respect, to be exercised only when the public welfare required it, in some peculiar exigency; and that it was highly improper and unjust for ministers to give instructions in the case, founded merely in political considerations. They declined proceeding to public business, protesting against the removal, as unconstitutional; there being no necessity to justify it, and designed, as they believed, to harass the representatives of the people, whose deliberations and proceedings ought to be perfectly free. The Lieutenant Governor insisted, that he was bound by his instructions, in this, as well as in other executive acts—that his commission required this of him; and that it was competent for him, at any time, to fix the place, as well as the day for the meeting of the General Court. The House replied to this statement at great length, and in a very able and elaborate manner. They recited the King's writ for calling the Assembly; and argued that Boston, the place designated, was not mere form; that there was a law of the province in force for fixing on that town as the place of its meetings; that a law passed by all branches of the Legislature was necessary to authorize their being convened in any other town; and that it was most arbitrary to dispense with the provisions of law, by virtue of ministerial instructions: For if this were admitted, there were no principles, however sacred, and no laws, however important, which might not be violated or superseded by the orders of administration, which was merely an executive part of government. The Lieutenant Governor still asserted his authority, derived from special instructions of the King, referred to a similar case, as a precedent, in the time of governor BURNET, 1729, and absolutely refused to yield to the request of the Assembly. The situation of public affairs was such, that the House con-

sidered it most prudent to proceed to consult on the common concerns of the province; resolving, "that they were induced thereto from *absolute* necessity," and declaring, "that it was not to be considered as a renunciation of their claim to the legal right of sitting in General Assembly, at its ancient place, the Court House in Boston."

This was the first session of the General Court after the departure of governor BERNARD: And from the temper discovered by his successor, and his strict adherence to the arbitrary orders of ministers, even at the expense of the public peace, there was little hope, to the friends of liberty, from the change. Solicitous as they were, to maintain the liberties of the people, and to preserve their charter rights, they could not but be greatly alarmed by the doctrine he advanced, that it was necessary to obey the instructions of the King or of administration, however they might militate with the laws of the land. If this were admitted, the most solemn acts of the Legislature might be disregarded, and even the great principles of the Constitution be rendered fluctuating and ineffectual. The right which the British ministry claimed, to dissolve the Assembly of the province, as in the time of governor BERNARD, and to order its removal to any place, they might in their pleasure designate, was founded in the doctrine of the absolute supremacy of the parent government over the colonies in all cases; which was strenuously asserted in England, and was the origin of the unhappy and bitter dispute, which had now long existed between Great Britain and America. For the House of Commons had, at a former period, when a proposal was made to give the royal instructions in the colonies the force of law, asserted the rights of the people, and rejected it with disdain. But now, it seems, arbitrary principles were so triumphant with the British administration, that, without law, and in utter disregard of the fundamentals of the constitu-



tion, (unless they meant without disguise to treat the colonies as slaves,) ministerial commands were to be rigidly enforced ; and the voice of the people, legally expressed by their representatives, was of no avail. The great concern of the Assembly of Massachusetts, therefore, was, to show the utter repugnance of the sentiments advanced by Mr. HUTCHINSON, that he was bound to conform to whatever instructions he might receive, to the charter rights and liberties of the subjects in the province. They argued also, that the Governor, being the representative of the King in the province, was competent to decide on the necessity to the public service, of holding the Court in Boston, or elsewhere ; that it was improper in the British ministers to give any directions in the case ; and that, by a strict compliance with their instructions, the freedom of the people would be violated, and the public good greatly impeded.

Notwithstanding his voluntary promise of attention to the rights of the people, and his expression of a disposition to cultivate harmony with the House of Representatives, Mr. HUTCHINSON, at this first session after he came to the chair of Chief Magistrate, gave his negative to the election of Mr. HANCOCK, who, during a short illness of Mr. CUSHING, was chosen Speaker by a very large majority. And in his message to the General Court, in reply to their address respecting the riot at Gloucester, he discovered equal sophistry and petulance. The unpleasant truths told, and the equally unpleasant facts therein stated, were not relished by the Lieutenant Governor : and instead of answering their arguments, or promising to use his influence for their relief, he had recourse to crimination and reproach.

There had been, about this time, some hope, as before observed, that ministers would change their policy in governing America ; and that a spirit more conciliatory and just was prevailing in England towards the colonies. But after various plans and

struggles in the administration, those of more arbitrary principles became the dominant party; and the celebrated Lord North succeeded the Duke of Grafton as Prime Minister. The duties on some articles imported into the province were proposed to be discontinued; but the article of tea was still subject to the tax as formerly; and no order was given for removing the troops. In the month of April, the merchants of Boston, some of whom, in the expectation of a change of ministerial measures, had given orders for goods to be sent them from England, adopted the patriotic resolution to send them back, to prove their resolute purpose of doing every thing in their power for their country, and their ability to manufacture whatever was necessary for their support. One of their number, a gentleman of opulence,\* generously provided a ship for the purpose; and a full cargo was returned to Great Britain.

When the Representatives of Boston for the General Court were chosen, in May, 1770, the inhabitants voted a very spirited address,† by way of instructions to them, as had been done on some former occasions. They expressed a most feeling sense of the grievances and oppressions, under which they labored, in common with their fellow citizens through the province, and in the other colonies. They referred to the numerous arbitrary acts of the British government towards America for several past

\* Mr. J. Hancock.

† R. Dana, Esq. was chairman of the committee who prepared the address. Mr. Bowdoin, who received the negative of governor Bernard the year before, was this year chosen a member for Boston. Mr. Otis was out of health, and had gone into the country, by the advice of his physicians. This expression of esteem and confidence towards Mr. Bowdoin, was as honorable to the town as to him. It was evidence that they had both discernment and a disposition to appreciate his former very firm and useful exertions in defence of civil liberty. Mr. Otis received a vote of thanks from the town, "for his great and important services to the province, especially for his undaunted exertions in support of its rights, in the late struggles with the agents of an arbitrary administration." Mr. Bowdoin was elected to the Council; and Mr. J. Adams was chosen in his room, as a Representative for Boston.

The Hon. James Otis Esq., having by the advice of his physicians retired into the country for the recovery of his health: viz. to the town house in the town he given to the Hon. James Otis Esq. for important services which as a representative given in the General Court to the province. S. A.

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years; particularly, the stationing of regular troops among the citizens; the insolent behavior of the officers of the revenue and of the military; of the alarming pretensions set up by the Lieutenant Governor, that ministerial instructions were to be paramount in effect to law, and to express provisions of their charter. They admonished them to the exercise of fortitude, patience and firmness; reminding them of the peculiar crisis of the times, and of their responsibility, as on their faithful, and determined conduct depended, in a great measure, the freedom and welfare of the present and future generations. They also suggested the importance of corresponding with the other colonies, and cultivating mutual regard and confidence. They were aware of the designs of ministers, they said, to prevent the united efforts of the people on this continent; and to prevail, with a part, if possible, by specious promises, to submit to the claims and acts of Parliament. This address discovered a most zealous and patriotic spirit, which was not to be subdued by the insolent threats, or the arbitrary measures of the British government. They referred, very pertinently, to the resolution and heroism of their ancestors; and appeared ready to endure equal privations, and to make equal struggles in the cause of freedom.

The precepts which were issued for a new General Court on the last Wednesday of May, required it to be holden at Cambridge: And on the first day of the Court, even before the government was organized or the Council chosen, the House prepared a message to the Lieutenant Governor, declaring their opinion, that the writ by law provided, for convening the Assembly, implied, that the Court House in Boston was the only place where it ought to be holden. This, they said, was the opinion of the General Court in 1721; when, on account of a contagious disease, it was adjourned to Cambridge; in which, however, they admitted it was justifiable and proper,

as the *public good required it*. But as there was a doubt on the subject, even in that exigency, a resolve was passed by the Legislature to render their proceedings valid. But they also contended, that if it were within the prerogative of the King, or of his agent in the province, to direct another place for holding the Legislative Assembly, it was to be exercised only in cases of necessity, and when the welfare of the people required it—That even the prerogative of the King was to be exerted, different from usage and custom, in no instances, but when the good of the subject and of the nation made it evidently and absolutely necessary. They, therefore, remonstrated against having the Assembly holden in any other place than the Town House in Boston: And resolved not to proceed to the public business of the province. But the Lieutenant Governor did not appear in Cambridge, on that day, and the message could not be presented him. In this difficult situation, probably designed by Mr. HUTCHINSON, they found themselves obliged to proceed to the election of the Council; not, however, without entering a protest on their journal against making this conduct a precedent, as it was of necessity they made these elections; and meant not to give up their claim to the right of declining all further business, under their present circumstances. The next day, the Lieutenant Governor made a speech to the Legislature, in which he called their attention to the common business of the province, and cautiously avoided saying any thing, in reference to the place of its meeting. By message, soon after, however, he acknowledged that it was not proper ministerial instructions should supersede or control the law; but denied that Boston was the only legal place for holding the General Court. The House then requested a copy of his instructions, by which he was required to convene the Assembly out of Boston; but he refused. A committee was, therefore, chosen to



consider this subject; and all other business of the Court was suspended for several days. The report and the resolutions of this committee, which were approved by ninety-six members out of one hundred and two, asserted, that it was as important and legally necessary for the General Court to be convened in the Town House in Boston, as to be holden on the last Wednesday of May, both being according to the writ first issued under the charter, and having so continued; that the said building had been erected for the purpose, and at the expense of the province; that it was only by way of exception, in some cases of necessity, and when the public safety clearly required it, that the prerogative or a discretionary power was to be exercised; and certainly not in direct opposition to the petitions and wishes of the great body of the people: That prerogative, when not thus restricted, when not clearly exerted for the welfare or convenience of the subjects, (the reason that such a power was allowed in a free government,) was most unjust and tyrannical: And that, as there were no reasons given, and none could be conceived, for removing the Assembly from Boston, the ordering of it to be holden out of that place, contrary to the repeated supplications of the Court, must be considered a most alarming measure by the friends of civil freedom; and it had therefore become necessary for them, as the guardians of the people's rights, to make a *constitutional stand*; which they did, by declaring it inexpedient to proceed to business, while the General Assembly was thus constrained to hold their session out of the town of Boston. They addressed the Lieutenant Governor accordingly. He replied; but offered no new arguments, and gave no reasons, except that he was so instructed: and added, that he acted faithfully as a servant of the King: and that all the mischief resulting from omitting the usual business of the session, would be attributed to them, and not to himself.



On the 15th of June, the House stated, at length, the '*reasons*,' which induced them still to object to the holding of the General Court in any other place than the Town House in Boston, and to adhere to their resolution, adopted early in the session, not to proceed to transact any public business, so long as the Assembly was kept from its usual and ancient place of meeting. Their great objection was to the controlling power of instructions given by the ministry; which they declared to be most alarming and hostile to the settled principles of the Constitution; and, therefore, to all true freedom in the subject, and to the dignity and independence of the legislature. They adverted also again to the nature and object of prerogative in the King, or in his agent, by virtue of the royal authority; and argued, that it was evidently designed for the welfare and safety of the people, and to be exercised in unexpected emergencies, when no law directly or fully applied. But they insisted, that this power was controlable by the general principles of reason and justice, and to be exerted solely for the public good; and that, in all other instances, when against the will of the subjects, generally, or for their oppression and inconvenience, and without evident reason, then it was dangerous, and could not be admitted. They pointed out the evil consequences of prerogative, thus claimed and exercised, and of ministerial instructions, founded in such an undefined power, in setting aside law, or in deviating from ancient usage and convenience, when a great benefit to the public was not clearly effected. They readily acknowledged the public business was urgent—yet were of opinion it was most important, and would be most for the lasting benefit of the country to omit it, rather than to admit a principle so dangerous and arbitrary, as that for which the Lieutenant Governor contended, in requiring the Assembly to meet out of the town of Boston, merely by virtue of ministerial instructions.

The world, they said, would judge, to whom the ill consequences of delay must be attributed.

This statement was ordered to be communicated to the Council: And that Honorable Body also sent a message to the Lieutenant Governor, praying that he would order the General Court to be removed to Boston; and stated their objections to holding it in Cambridge, by virtue of ministerial instructions, with great force and argument. They also had previously requested that the Assembly might be adjourned to Boston; and the Lieutenant Governor had informed them, that he had express instructions for holding it in Cambridge. They, therefore, in the present memorial, quoted a clause of the province charter, which provided "that the Governor should have full power to adjourn or prorogue the General Court;" and they argued, that this power was complete, as to its specific objects, and was vested solely in him; and, therefore, not to be controled by *instructions*, but by considerations of the safety and convenience of the Assembly, or the general utility of the province. For this purpose, they asserted, such power was given to the Governor; as he, being present, was the best judge of the welfare of the province, and of the exigences of the times. To pretend to be bound by instructions from ministers in England, they said, was not only yielding his own power, granted by the charter and the crown, solely for the public good; but must prove most injurious to the province; as the Assembly and the people would thus become liable to great embarrassment and oppression, by orders from persons at a distance, who were ignorant of the true situation of the country; and as he, who was really responsible, would claim an excuse for himself, whatever might be the complaints and grievances of the citizens. They added, "in the present case, when every reason, arising from convenience, safety and utility, demonstrates and urges the fitness of the Courts sitting in Boston,

the convening and keeping it elsewhere, contrary to the mind of the two Houses and the province, in general, we humbly apprehend is an exercise of the prerogative, if not against law, yet certainly against ancient usage, and unwarranted by reason, which supports all prerogative, namely, the public good"—“We are sensible the Governor is the servant of the King, and by his commission is to govern the province according to charter, and to such instructions as he shall receive from the King. These instructions, however, must be understood to be such as do not militate with, or in any degree vacate the charter; otherwise, the charter would be annihilable at pleasure: Whence it would follow, that it neither was, nor is in the power of the crown to grant any charter whatever, vesting in the grantees any durable privileges, much less such as are granted to this province, which are perpetual. We hold, however, that the crown hath such a power; and that the charter for this province, granted by King William and Queen Mary, secures to its inhabitants forever all the powers and privileges therein given; one of which is, that the Governor convene and adjourn the General Court. And this power, we apprehend, is exclusively vested in him, for the benefit of the people; and therefore that no instructions can supersede or control this right, without injuring them, and so far vacating the charter. Your Honor has justly observed, that his Majesty never intended his instructions should supersede or control the law. This must be true also with respect to the charter, because it is the great rule of the constitution; and is the foundation of the law of the province; and because his Majesty is just, has a paternal affection for his people, and never intended his instructions should subject them to any unnecessary inconvenience, much less, infringe upon their rights.”

The Lieutenant Governor replied to this memorial of the Council; but did not remove their objections,

nor answer their arguments: And it was difficult to determine, whether he intended to justify himself, in ordering the Assembly to be holden in Cambridge, by virtue of his instructions, or of his general authority, as commander in chief of the province. Such powerful objections had been made to the indefinite and unlimited power of ministerial instructions, when adverse to law, to reason and convenience, that he was reluctant, in resting his authority solely upon them, for convening the Court in Cambridge: And he claimed a right to adopt this measure, by virtue of his general power as chief magistrate. This authority, however, he was unwilling to say, had induced him to such a requirement; for he knew, he should thus expose himself to general censure by such an arbitrary and unpopular act. But though he was not prepared to say, explicitly, whether it were wholly or partly from his instructions that he had acted; nor to give any reasons, for holding the Assembly at Cambridge, he refused to adjourn it to Boston, as repeatedly and earnestly requested; and the House, thereupon, adhering to their former determination, desired leave "to return to their homes," unless he would order the Legislature to be convened in its ancient and usual place. This, however, was refused, on a suggestion, that some dispatches were soon expected from England, which would require the immediate attention of the General Court. In the meantime, the Council sent another message to the Lieutenant Governor; in which, after repeating some of the arguments and objections before advanced, they complained of being subject to secret orders and directions from ministers; and asked, "if instructions were to be the law and rule of government, whether it were not fit and proper, that they should be known." "Are we not, otherwise, not only in a state of vassalage, but distinguished from others in that state, in this essential circumstance, that they have a known law, which they might obey, and we



an unknown one, which we can neither obey or disobey, and yet may be punished for not obeying? Your Honor tells us, you have no instructions militating with the charter. If there be an instruction forbidding the adjournment of the Court to Boston, we apprehend it does militate against the charter; and we think we have clearly proved, from the charter, that it does so militate. In which case, we submit it to your consideration, whether you are held to observe it. Whenever your Honor shall think proper to consult the Council upon any occasion, you may depend on our best advice for his Majesty's service, and the good of the province. These necessarily include each other; and are, in fact, but different names for the same thing; there being no room for distinction or separation between them. Whoever, therefore, attempts to make a separation, is an enemy to both."—A few days after, the House again requested permission to return to their homes; being still determined not to proceed to business, while the General Court was kept from the town of Boston. The Lieutenant Governor, accordingly, prorogued the Assembly for thirty days.

The Representatives of the people again assembled on the 25th of July, in Cambridge, to which time and place the General Court had been prorogued. Mr. HANCOCK and others were immediately appointed a committee to inform the Lieutenant Governor, that a quorum of the House was present, and that they were desirous he would remove the Legislature to its ancient and legal place of sitting, the town of Boston. He had prepared a long speech, which he delivered to them, much in his specious and evasive manner, and giving 'his strong reasons' why he should not grant their request. He declared, "he knew of no fixed design to harass them, in order to make them comply with any arbitrary measures: But he insisted, that it was for the King or his ministers to judge of the fitness of a measure, as,



otherwise, the prerogative would be an empty name.” The opinion of the British Attorney and Solicitor General was mentioned by the Lieutenant Governor, to fortify his own reasoning; when, in fact, they had only given an opinion, that the sole power of proroguing the General Court, was vested in the Governor; which had not been denied. This had indeed been acknowledged and asserted by the House, as an argument against the interference of the British administration. And yet the Lieutenant Governor declared he would not remove them to Boston, without permission from his Majesty’s ministers. The House replied to this message, in a manner more full and elaborate, than had been before done.\* They unanimously determined to adhere to their resolution, made at a former session, ‘that it was not expedient to proceed to public business while the General Court was constrained to hold its session out of the town of Boston.’ With this declaration, they proceeded to notice some *specious* things contained in the Lieutenant Governor’s last message to them—“You are pleased to say, you meet us at Cambridge, because you have no reason to think there has been any alteration in his Majesty’s pleasure; which, you doubt not, was determined by wise motives, and with a gracious purpose to promote the good of the province. We shall not call in question the wisdom of our Sovereign, or the rectitude of his intentions; but there have been times when a corrupt and profligate administration have ventured upon such measures, as have had a direct tendency to ruin the interest of the people, as well as that of their royal master. This House have great reason to doubt, whether it is, or ever was his Majesty’s pleasure, that your Honor should meet the Assembly at Cambridge, or that he has ever taken the

\* J. Hancock, S. Adams, J. Adams, J. Hawley were on the committee to prepare this reply.

matter under his royal consideration; because the common, and the best evidence in such cases is not communicated to us. It is needless to add any thing to what has been heretofore said upon the illegality of holding the Court any where except in the town of Boston: For admitting the power to be in the Governor to hold the Court in any other place, when the public good requires it, it by no means follows, that he has a right to call it in any other place, when it is to the manifest injury and detriment of the public.

“The opinion of the Attorney and Solicitor General has very little weight with this House in any case further than the reasons, which they give, are convincing. This province has suffered so much by unjust, groundless and illegal opinions of those officers of the crown, that our veneration for their opinions is much abated. We utterly deny, that the Attorney and Solicitor General have any authority or jurisdiction over us, any right to decide questions in controversy between the several branches of the Legislature here: Nor do we conceive, that even his Majesty in Council has any constitutional authority to decide such questions, or any controversy whatever, that arises in this province, excepting only such matters as are reserved in the charter. It seems a great absurdity, that when a dispute arises between the Governor and the House, the Governor should appeal to his Majesty in Council to decide it. Would it not be as reasonable in the House to appeal to the body of their constituents to decide it? There is, however, a test, a standard common to all; we mean the public good. Your Honor must be sensible, that the illegality of holding the Court in any other place besides the town of Boston, is far from being the only dispute between us. We contend, that the people and their Representatives have a right to withstand the *abusive* exercise of a legal and constitutional prerogative of the crown.

“While the House have been, from time to time, holding up to view the great inconveniences, and manifest injuries resulting from the sitting of the Assembly in Cambridge, and praying a removal to Boston, it is with pain they have heard your Honor, instead of pointing out any good purpose, which can be answered by it, replying that your ‘instructions’ will not permit you to remove the Court to Boston. By a royal grant in the charter, in favor of the Commons of this province, the Governor has the sole power of adjourning and proroguing the General Court. And the wisdom of that provision appears in this, that a person residing in the province must be a more competent judge of the fitness of the time, and we may add, the place of holding the Court, than any person residing in Great Britain. We do not deny, that there may be instances, when the commander in chief ought to obey the royal instructions; yet we hold, that whenever instructions cannot be complied with, without injuring the people, they cease to be binding. Any other supposition would involve this absurdity, that a substitute, by means of instructions from his principal, may have a greater power than the principal himself: Or, in other words, that a Representative of a King, who can do no wrong, may, by means of instructions, obtain a right to do wrong: for that the prerogative extends not to do any injury, never has been, and never can be denied. As to your commission, it is certain, that no clause contained in it, inconsistent with the charter, can be binding. To suppose, that when a grant is made by charter in favor of the people, instructions shall supersede that grant, and oblige the Governor to act repugnant to it, is vacating the charter at once, by the breath of a Minister of State.

“We are not, indeed, sure, that the ministry caused the Assembly to be removed to Cambridge, in order to worry them into a compliance with any arbitrary mandate to the ruin of our own, or our

constituents' liberty; but we know the General Assembly has in times past been treated with such indignity and abuse by the servants of the crown; and a wicked ministry may attempt it again: We shall never except against a proper use of the prerogative; we hold it sacred as the liberty of the subject: But every abuse of it will always be excepted to, so long as the love of liberty, or any public virtue remains. And whenever any other part of the prerogative shall be abused, the House will not fail to judge for themselves, of the grievance; nor to exert every power, with which the constitution has entrusted them, to check the abuse of it, and redress the grievance.—As to your Honor's very condescending and liberal professions of exercising patience or using despatch, as would be most agreeable to us, we shall be very much obliged to you, for the exercise of those virtues, whenever you shall see cause to remove us to our ancient and established seat: But these professions can be no temptations with us to give up our privileges.

“Your Honor is pleased to say, that *we* consider the charter as a compact between the crown and the people of this province; and to ask, shall one party to a compact be held, and not the other? It is true, we consider the charter a compact, and agree, that both parties are held. The crown covenants, that a Great and General Court shall be held every last Wednesday in May, forever; the crown, therefore, is doubtless bound by this covenant. But we utterly deny that the people have covenanted to grant money, or to do business, at least any other business than choosing officers and counsellors, to complete the General Court, on the last Wednesday of May, or on any other day or year whatever: This House, therefore, by refusing to proceed to business, do not deprive the crown of the exercise of the prerogative, nor fail of performing their part of the compact.

“The House are still ready to answer for the ill consequences which can be justly attributed to them; nor are they sensible of any danger from exerting the power which the charter has given them, of doing their part of the public business in their own time. That the province has enemies, who are continually defaming it and their charter, is certain; that there are persons who are endeavoring to intimidate the Representatives from asserting and vindicating their just rights and liberties, by insinuations of danger to the constitution, is also indisputable. But no instance happened, even in the execrable reign of the worst of the Stuarts, of a forfeiture of charter, because any one branch of a legislature, or even because the whole government under that charter, refused to do business, at a particular time, under grievous circumstances of ignominy, disgrace and insult; and when their charter had explicitly given to that government the sole power of judging of the proper season and occasion of doing business. We are obliged, at this time, to struggle, with all the powers the constitution has furnished us, in defence of our rights; to prevent the most valuable of our liberties from being wrested from us, by the subtle machinations and daring encroachments of wicked ministers. We have seen, of late, innumerable encroachments on our charter: Courts of Admiralty, extended from the high seas, where, by the compact in the charter, they are confined, to numberless important causes upon land; multitudes of civil officers, the appointment of whom is, by charter, confined to the Governor and Council, sent here from abroad by the ministry; a revenue, not granted by us, but torn from us; armies stationed here without our consent; and the streets of our metropolis crimsoned with the blood of our fellow subjects. These, and other grievances and cruelties, too many to be here enumerated, and too melancholy to *be much longer borne* by this injured people, we have



seen brought upon us, by the devices of Ministers of State: And we have, of late, seen and heard of *instructions* to Governors, which threaten to destroy all the remaining privileges of our charter. In June, 1768, the House, by an instruction, were ordered to rescind an excellent resolution of a former House, on pain of dissolution. They refused to comply with such an insolent mandate, and were dissolved: And the Governor, although repeatedly requested, and although the exigences of the province demanded a General Assembly, refused to call a new one, until the next year. In the last year, the General Court was forced to give way to regular troops, illegally quartered in the town of Boston, in consequence of instructions to crown officers; and whose main guard was daringly and insultingly placed at the door of the State House; and afterwards they were constrained to hold their session at Cambridge: The present year, the Assembly is summoned to meet, and is still continued there in a kind of duress, without any reason that can be given, or any motive whatever, which is not as great an insult to them, and breach of their privilege, as any of the foregoing. Are these things consistent with the freedom of the House? Or, could the General Court's tamely submitting to such usage, be thought to promote his Majesty's service? Should these struggles of the House prove unfortunate and ineffectual, this province will submit, with pious resignation, to the will of Providence; but it would be a kind of suicide, of which we have the utmost horror, to be instrumental in our own servitude."\*

Three days after receiving this message from the House, the Lieutenant Governor replied to it, at considerable length, but with a good deal of sophistry and evasion: And immediately ordered the Assem-

\* We have given only a part of the able and excellent message of the House of Representatives. See Massachusetts State papers, page 240.

bly to be prorogued to the 5th of September following: And afterwards, by proclamation, to the 26th of the same month. On this day, the General Court assembled at Cambridge; and the House sent a committe to inform his Honor, that a quorum was present, and to request him to cause its removal to Boston. He declined, however, as before, and without giving any reasons for keeping the Assembly in Cambridge: And in a speech, the following day, he advised them to attend to the usual public business, which had now become very urgent, observing also, "that he expected other matters of importance to lay before them, which would require their consideration." The House now voted to suspend their resolution, before adopted, not to transact any business while the Assembly was holden out of the town of Boston.\* And, indeed, the state of the province was such, and the public business was so urgent, that prudence required them to give their attention to the concerns of the people. They inquired of the Lieutenant Governor, what was the important and interesting information he had to give, which would demand their special attention: And in reply, he stated, that he had received an order of the King in Council of the 6th of July; but was not authorized to communicate it. He informed them, however, that he had forwarded an account of their proceedings in March and June, to his Majesty's ministers; that his own conduct had been approved by the King; and that he believed the situation of the Pro-

\* The vote and preamble were as follows, viz: "Whereas it appears to this House, that the province labors under new, additional and insupportable grievances, the redress of which calls for the immediate exertion of the powers vested in the Assembly by the constitution—Therefore, resolved, that the House now proceed to the public business only from absolute necessity, and in order to inquire into the state of the province, and radically to redress grievances; protesting against the restraint the General Court is under to transact business out of the Town House in Boston. Thirty members, however, out of ninety, voted against proceeding to business, even with such a protest and declaration; among whom were S. Adams, J. Hancock, J. Hawley, J. Warren, J. Adams, W. Heath, M. Farley, J. Gerrish, &c.

vince would receive the attention of Parliament or of the ministry at an early day. He gave them notice, likewise, of an order from the King for dismissing the troops at the Castle, who were under the control and pay of the province, and for placing regular British forces in that fortress.

This measure was justly alarming to the Representatives and to the people at large ; as it implied a suspicion of their loyalty in the royal mind ; and it was considered of dangerous aspect to put that fortification in the hands of a military force, not subject to the civil authority of the Province, but entirely under the direction of the British administration, of whose views for the government of Massachusetts they had received the most unfavorable impressions. The House expressed their decided disapprobation of this proceeding ; and requested to know of the Lieut. Governor, if he still had the command of that important fortress. He replied, that the change lately ordered at the Castle, was probably owing to the late conduct of the Assembly and the people in the province : but that he had not relinquished his command of that fortress ; as he still considered himself possessed of authority over it as formerly ; subject, however, to such directions as he should receive from the King. The House considered this reply, as very equivocal ; and repeated their request to be fully informed, whether he had transferred his command, or whether by any ministerial instructions it had been placed under the control of a military chief. Mr. HUTCHINSON declared again, that he had the command of the Castle ; but clearly acknowledged, that he considered himself subject, in that capacity, not to the Legislative Assembly of the province, under whose control it had formerly been ; but to instructions from his royal Master and the British Ministry. And, yet, it afterwards appeared, that some weeks before this time,\*

\* By a letter of his to General Gage, at N. York, afterwards discovered, he boasted, " that he had *managed* this affair with much prudence."

and when he dismissed the provincial troops from the Castle, he had delivered possession of that fortress to Col. DALRYMPLE, a British officer, and gave the keys into his hands ; declaring, at the same time, that he did it in obedience to express directions from Lord HILLSBOROUGH, one of the British ministers, to be garrisoned by such detachment, as the military officer should order. The House noticed this strange and apparently treacherous conduct, and warmly protested against it as a culpable surrender of his authority derived from the charter, and a criminal betraying of the rights of the people, for whose privileges and safety he was bound to provide. They said, it was their right as well as his to judge of the legality and propriety of placing the fortress of the province entirely in the hands of British troops ; and if he had relinquished all authority over the military force there, in their opinion, he had violated an essential charter right.

The patriots of Massachusetts had just cause of alarm, from the orders of the British administration thus to take the fortress at Castle Island out of the hands of the province, and to station a military force there, not in any degree under the control of the civil authority.\* The object was too evident to leave any doubt on the minds of the intelligent citizens. Taken in connexion with other arbitrary measures of a recent date, and with intelligence from England that the policy of coercion was still to be pursued, it excited the most anxious apprehensions, and demanded the immediate attention of the Assembly. They had long perceived the design of the British government to place the subjects in America in the condition of slaves ; or what, in their view, was the same, in effect ; by levying taxes on them without their consent ; by giving unusual powers to the officers of the

\* Several British ships of war were also ordered to Boston harbor, from Halifax, at this time. They were under the command of Com. Gambier.

customs, and the courts of admiralty ; by issuing instructions without regard to the provisions of the charter, and without the sanction of law ; and by placing a large military force among the inhabitants of this province, to intimidate, to insult and to control them. But it was difficult to devise measures for redress, different from those already adopted, and without effect. They had made repeated statements of their grievances, of arbitrary and unconstitutional demands for a revenue, and of various violations or suspensions of their charter privileges ; had given assurances of their loyalty, and prayed for the restoration of former rights and liberties, which would place them on a level with their fellow citizens in Great Britain ; and other than constitutional means, they never proposed to adopt. The idea of revolt or separation from the parent government was not cherished by any. And, of riots and tumults, a great majority of the citizens had an utter detestation. To petition again, considering the temper and views of administration, were a hopeless effort. Yet, while they called to their support, in this gloomy aspect of public affairs, the virtues of patience, of due subordination and submission, they were resolved to watch every favorable opportunity for seeking relief, and to continue firmly to oppose the unjust claims of the British government.

At this session of the General Court, a committee was appointed to consider the situation of the militia, and a message was sent to the Lieut. Governor on the subject, requesting him to give orders for their being more frequently inspected and disciplined. And at the following session a bill passed the two Houses for their more efficient regulation. But it did not receive the approbation of the chair. In the opinion of many of the members, this was an important subject ; and required particular attention. There was nothing like system in operation ; and no legislative provision had been made for the due organization of the



militia for several years. Whole regiments were almost entirely destitute of officers; and many of the yeomanry, who had reached the age of manhood within the preceding six or eight years, were destitute of arms and wholly ignorant of military discipline. There is no evidence of a general belief, even among the leading characters of that period, that a resort to force would be necessary to defend their civil rights: Nor could they then think of opposing successfully the mighty power of Great Britain. And yet, it is not improbable, that some of the more intelligent were induced to favor an efficient system of discipline for the militia, from a supposition that, eventually, the physical force of the province would be necessary for its protection.

At this period, the House of Representatives made choice of BENJAMIN FRANKLIN, Esq. then residing in England, for their agent, in the room of Mr. DE BERDT, lately deceased.\* Dr. FRANKLIN had then been agent for Pennsylvania for several years; and his zeal for the rights and interests of America was justly celebrated. He was in London at the time the Stamp Act was repealed; and was very critically examined by the House of Commons, as to the disposition of the people and the resources of the colonies. He was then in the meridian of life; and eminent for his philosophical researches, as well as for his talents and judgment. This was a judicious appointment; for his knowledge of mankind, his intelligence and prudence, were not less remarkable than his decision and ardor in the sacred cause of freedom. Geor

( Resolutions were also adopted by the Representatives, while in session, in November, to discourage extravagance and the use of all superfluities; to encourage industry and frugality; and to promote manufactures in the several towns within the province. A committee was also appointed to prepare

\* Arthur Lee, Esq. of Virginia, was also chosen agent, in case of the death or absence of Dr. Franklin.

a plan for the encouragement of arts, agriculture, manufactures and commerce.\* An order was, likewise, passed at this time, for a committee to correspond with the agents in England; with the Speakers of the Assemblies of the other colonies; or with committees chosen for a similar purpose; with directions to report to the House of Representatives at a subsequent meeting of the General Court.† These various proceedings serve to show the zeal and activity of those patriotic men, who were then entrusted with the political concerns of the province: And afford abundant evidence that no probable means of relief were neglected.

A dispute was sustained between the Lieutenant Governor and the House of Representatives, at this session, of rather a singular character; which, probably, would not have arisen, except for his deviating from general usage and forms; and that, in compliance with ministerial instructions. He was directed to require of the Assembly to use no other clause, in enacting laws, than “by the Governor, Council and House of Representatives,” omitting the words, “in General Court assembled.” As proof, that this latter clause was not legally essential, he asserted, and they acknowledged, that, in many instances, on former occasions, it was omitted, in reciting the authority by which the laws were enacted. The great objection with the House, probably, was, that they should be bound by the instructions of ministers in their legislative capacity; and should be expressly prohibited from using a phrase, which they considered proper, if not essential. They pretended, indeed, that, without this form of words, it was implied, that acts of

\* J. Hancock, S. Adams, J. Adams, W. Heath and E. Thayer, Jr. were on that committee.

† J. Hancock, S. Adams, J. Adams and S. Hall composed this committee. It does not appear, that they wrote to the other colonies, as a former letter to them from Massachusetts had been so severely censured in England—But they wrote very fully to Mr. Franklin. See Appendix, No. IV.

the Legislature might be passed, when the several branches were not in session together. The Lieutenant Governor contended, that the other form was sufficiently legal: And he had general usage to support his opinion; as in most of the laws of the province the latter clause was omitted. The dispute was protracted to a great length, and several messages passed on the subject. But the House yielded at last, and concurred in the passage of several laws, in which these words were not inserted.

In contending with governor BERNARD and Mr. HUTCHINSON for the privileges of the Assembly, and the liberties of the people, which were often infringed by them, by virtue or under pretence of ministerial instructions, the Representatives were generally the most forward and spirited. Yet we have seen, that the Council also were firm and resolute in their proceedings, on many trying occasions, when the General Court was not in session. It was by their determined conduct, in union with the spirited measures of the citizens of Boston, that the British troops were all removed from that place immediately after the massacre of the 5th of March. Their conduct and opinions on that occasion were misrepresented to administration, by the Lieutenant Governor and Secretary OLIVER; in consequence of which, the Council were censured by the King and his ministers; and a proposition was made for having the members of that Body appointed by the crown. By request of Mr. HUTCHINSON, the Secretary had prepared an account of the doings of the Council on the 6th of March; in which he had so expressed himself, as to intimate, that there was a previous plan to remove the British troops and the commissioners of the revenue from Boston by force; and therefore, that the troops were justified in their bloody deeds of the 5th of March, to intimidate and prevent the people from executing any such purpose. But the Council had only given an opinion, that, in conse-

quence of the massacre, the people of the province might be provoked to attack them, unless they were removed to the Castle, as was the advice of the Council on that occasion. The Secretary made other charges against the Council, which went to render suspicious both their loyalty and veracity; and to shew the importance of having that Board composed of men selected by the King; a plan long in agitation by the advocates of arbitrary power. This statement was laid before the King in Council, and an order, thereupon, was issued, for putting the fortress of the province (Castle Island) in possession of British troops, and for stationing several ships of war in the harbour of Boston, under the pretence, that the province was in a state of open opposition to the authority of Parliament, and that the Council even, were timid or disloyal. To counteract, as far as possible, this misrepresentation and these measures, the Council made an able and full statement of their proceedings, and shewed how unjustly they had been accused. In a letter to their agent, in England, they complained of being thus greatly injured, when they were condemned unheard. They declared their loyalty to the King, and their attachment to the parent country; and lamented, that the partial and false statements of their enemies had received so much attention, without any opportunity on their part, to vindicate themselves. And they expressed a full conviction, that the Secretary, by his representations, had done great dishonor to the Council, and was guilty of a breach of trust.

## CHAPTER XI.

Court meet at Cambridge in April, 1771, after a long interim—Difficulties remain—But they do not despond—Mr. Hutchinson appointed Governor—His Speech, and reply of the House—Protest against holding the Assembly out of Boston—Governor proposes military preparations on account of an expected war with Spain—The House decline—Salary of Governor to be paid by King—Great complaints on this account—Temporary harmony between the Governor and House—Further discussion on holding the General Court out of Boston—Protest of House—Militia—Officers of Revenue claim exemption from Taxes—Long prorogation of Assembly, and great complaints thereon—Governor more unpopular—High claims of Parliament continued—Many friends of Liberty in England—Extracts of Letters from there.

THE General Court was prorogued in November, and not again called together until April, 1771. This long postponement was probably occasioned by express instructions from the British administration, or from a desire in Mr. HUTCHINSON to avoid all unpleasant collisions with the Representatives, and to gain knowledge of the temper of the people, through the province. He calculated much, no doubt, upon the timidity and the consequent submission of a large portion of the people, from the consideration of the decisive language of ministers, with reference to the government of America, and of the large naval and land forces in the province, to deter from all serious opposition. But if the citizens were quiet, they were neither convinced in their judgment, nor subdued in their spirits. They were not



to be diverted from their purpose, by difficulties or threats. And the calm, which seemed to promise contentment or acquiescence, was only a season for collecting new resolution for the struggle, when a fit occasion should present. A view of their situation was calculated to create despondence; and there was little to inspire hope of better days, except the justice of their cause, and a belief, that, in England, patriotic efforts would be made in defence of political freedom, whose influence would be extended to America. Not only did many of the trading and manufacturing parts of the nation feel well disposed towards the colonies; but there was now, as formerly, a good number of able and eloquent statesmen, who were resolved to oppose the arbitrary doctrines and measures of administration, and to give their active support to the generous principles of the British Constitution.

When Mr. HUTCHINSON met the Assembly in April, 1771, he had received a commission as Governor of the Province, of which he then gave the General Court official notice: And declared his resolution to employ the powers thereby given him, for his Majesty's service, and the best interests of the people. They observed, in reply, that as he had his birth and education in the province, they hoped he would exercise the authority, with which he was vested, for the real service of the King, and the best good of the people. "The duties of governor and governed," they said, "were reciprocal; and, by our happy constitution, their dependence is mutual." "Nothing," they added, "would more effectually produce and establish that order and tranquility in the province, so often disturbed under the late unfortunate administration; nothing would tend more to conciliate the affections of the people, and to insure to him those aids he would need from the Representatives, than to make use of the public authority with a sole view to the public welfare."

This answer of the House was not delivered until several days after the first address of the Governor; nor until they had once and again remonstrated against his holding the Assembly out of the town of Boston, and requested him to order its removal to that place. He informed them, that he could not comply with their request, so long as they called in question his *right* to convene the Court in whatever place he might please; or the propriety of his obeying ministerial instructions in that respect.

[At this session, the Governor gave information to the House of some Spanish aggressions on an English settlement in South America; and recommended to them to make arrangements for raising troops in the province, to assist the regular British forces, should the national service require it. He had previously issued a proclamation for the purpose of preparing the public mind for such a measure. But the House did not consider the affair of sufficient importance to authorize any military preparations, and declined the requisition and arrangement proposed, as unnecessary expence would thereby be created. And they were pleased to observe, “that the province had frequently, in times past, expended much blood and treasure for the enlargement, as well as support of his Majesty’s dominions; and that, when their rights and liberties were fully restored, as they should have the same reasons therefor, so they should not fail to continue their exertions with cheerfulness, and to the extent of their ability.”

A new regulation, adopted by ministers, respecting the salary of the Governor, excited great uneasiness among the people of the province, at this time. Provision was now made for his support by the crown, without consulting the Assembly as to the amount; and rendering their vote on the subject altogether unnecessary. The House protested against this measure, as it tended to render the Governor wholly independent of the people, and to make it,

therefore, less his interest and desire to secure their approbation or confidence. They were ready, they said, to grant the usual allowance; and contended for the exclusive right of making a voluntary provision according to their judgment. They complained of this innovation, as designed to place the Governor of the province entirely under the influence of the British administration; and to deprive them of the only check they had upon his public conduct. They saw in it another encroachment upon their ancient privileges, and a new proof of a deep and systematic plan to place rulers over them, whose interests were totally distinct from that of the people: And, therefore, desired to be informed, "why it was that provision was made for his support, as chief magistrate of the province, independent of his Majesty's *Commons* in it?" The Governor replied, "that the King, Lords and Commons of England, our Supreme Legislature, had determined it to be expedient, for his Majesty to make support for the civil government in the province, as he might judge necessary:" And thus brought into view the principle, claimed by himself and other royal agents, and by the ministry in England, that the British Parliament had a controlling and paramount authority over the colonies in all cases whatever.

Although the House did not immediately reply to this statement, we shall find them, on a future occasion, objecting with great decision and zeal to this alarming doctrine; for this, indeed, was the great cause of the dispute which had so long existed. And while such claims were advanced in England, and by the Governor so frequently and obtrusively urged, we are not to suppose the intelligent patriots of Massachusetts would cease their complaints or opposition. About this time, however, the Governor wrote to England, rather in favor of the disposition prevailing in the province, notwithstanding these complaints on account of his salary: And when he

met the General Court the last of May, he gave them notice, that he had made such a representation. In their reply to this address, the House of Representatives appealed to the Governor, "whether the people of Massachusetts had not *always* been disposed to promote order, and a due submission to constitutional authority—and whether there ever had been a time, when he was not warranted so to represent them to the King, as to give his Majesty entire satisfaction with their conduct?"—"The people," they added, "had indeed been, and still were discontented with the acts of Parliament for raising a revenue in America, without the free consent of their own Representatives; and with other regulations, which they justly apprehend to be, not only oppressive, but destructive of their constitutional and charter rights. This uneasiness had been grossly misrepresented by the enemies of the province, as a mark of disaffection to his Majesty's government. If your Excellency will be pleased to employ that influence, which your high station in the province gives you, in effecting a redress of our grievances, you will, in the opinion of this House, very substantially promote the real interest of the province, and establish order, peace and prosperity; and thereby render the most acceptable service to the people, in a manner perfectly consistent with your duty to his Majesty."

The Governor had directed the General Court to be holden again in Cambridge; and on the first day of the session, the House made application to his Excellency to be removed to the Town House in Boston, as they considered it very inconvenient, and no reasons had been given, to hold it in any other place. The Governor said he could not consent to their request; and in stating the difficulty, he was not consistent with himself, in the remarks he had before made to vindicate his conduct. On former occasions, when it was objected to his being bound by instructions, he insisted on his own power as



Governor, to hold the Assembly in any place he might choose. He now declared his desire to comply with the wishes of the House; but that he was restrained from doing it, until he could learn the King's pleasure: And thus acknowledged, that in this arbitrary measure, he had not acted according to his own judgment, with a view to the convenience and interests of the people; but in obedience to ministerial instructions which had no regard to the welfare of the province, or the accommodation of the Assembly. In truth, the Governor was hard pressed by objections and arguments of the House; and sometimes attempted to justify himself in this affair by the consideration of his own discretionary authority; and at other times, by that of directions from the British ministry. Although the Assembly proceeded to transact the public business before them, they once more protested against the conduct of the Governor in thus exerting his prerogative power, (granted solely for the convenience and benefit of the people, or their Representatives,) for the gratification of his own feelings, or in subserviency to the views of those who had no right to interfere in the case.\*

The Governor neglected to sign an act for the better regulation of the militia, which was adopted by the two Houses, during the preceding year: But he now recommended the subject to the Assembly; and complained, that the officers, and even the Commander in Chief had not legal authority to maintain a proper military subordination and discipline. The House declared their readiness to encourage a military spirit, and their wish that the militia should be subjected to more efficient regulations; but were not disposed to give any greater power to the Governor, as Commander in Chief, or to other high officers, than the law already gave them. A bill passed the two Houses, but it was not approved by the Governor. He

\* See Appendix, No. IV.



seemed to wish for a more perfect control of the militia : while the Representatives were chiefly anxious to provide for their equipment and discipline. Whether either expected that the militia would be soon called upon to act as a military body, is rather a matter of conjecture than of certainty or of great probability.

When the tax bill was presented to the Governor, this year, for his approbation, he objected, that it contained the usual provisions, and did not expressly exempt from taxation the officers of the crown, in the province. They were assessed like other citizens, the preceding year ; but they claimed an exemption, on account of their official capacity ; and the Governor undertook to justify and support their claim, by objecting to the tax act, unless a provision were introduced, by which they should no longer be liable to be assessed in the towns where they resided ; stating that he had been so instructed by the King. The House were justly alarmed by such a novel claim : And insisted, that all persons who had an actual residence in the colony, and especially who held lucrative offices, were in reason and equity liable to pay taxes for protection, and for the support of government, as well as any other class of citizens. In their Message to the Governor, on this subject, they took occasion to observe, “ that they knew of no officers of the customs, nor of any revenue his Majesty had a right to establish in the province : they knew and felt a *tribute* extorted from those, who, if they had property, had a *right* to the absolute disposal of it.” “ For the Governor to withhold his assent to the bill, merely by force of instructions, was in effect vacating the charter, and giving to instructions the force of laws within the province. Such a doctrine, if established, would render the Representatives of a free people, mere machines ; and they would be reduced to this fatal alternative, either to have no taxes levied and raised at all, or to have them raised and levied, in such man-

ner, and upon those only, whom his Majesty's ministers might please." They did not alter the tax bill as the Governor proposed; and as he refused to give his assent to it, in the form prepared by the House, none was passed at this session of the General Court. And after a long speech, in which he attempted again to vindicate his right to hold the Assembly in any place he saw fit, by virtue of his authority as Governor, subject, however, to royal instructions, without giving his reasons or being obliged to shew wherein the public good required it, he caused the Legislature to be prorogued to September; and, thence, to April, 1772; a space unusually long for a recess of the General Court, which created much uneasiness, especially as public business of importance remained from a former session unfinished.

The Council were equally decided, with the House of Representatives, in their remonstrances against the exercise of the Governor's prerogative, in holding the Assembly so long and for so many sessions, out of the town of Boston, when no sufficient reasons were given for the measure, and it was most evidently against the wishes and convenience of the General Court. They frequently addressed the Governor on the subject, expressed their high disapprobation of such exercise of authority, and insisted, that it was a perversion and an abuse of power, and therefore, arbitrary and unconstitutional.

We have seen, that the Governor repeatedly declared his wish to maintain an harmonious intercourse with the House of Representatives, and to consult their views in all cases wherein he was not prohibited by his instructions from the ministry. Yet, he frequently manifested a different disposition in his official conduct: And it is rather surprising, that, on several occasions, he should have opposed their requests, when there appeared no just reason for a refusal. At this and at the former session, the two Houses voted a compensation to their respective

agents in England, and requested his consent and approbation, as was necessary to give validity to it; but he refused, on both occasions. And when, towards the close of the session, they made known their wishes, that the General Court might be prorogued to October, to complete the business of valuation, which had been ordered to be taken, his reply was, "that he should always consult his Majesty's service, as to the time of meeting the General Assembly, and govern himself accordingly." So devoted was he to the interests of the crown and so subservient to the directions of administration, that the people lost all confidence in him as an assertor of their liberties and the guardian of their rights. By the common class of citizens, he was branded as a tyrant, and a traitor to the country which gave him birth. And the most intelligent were led to consider him merely as the willing agent of an arbitrary government. Through him, therefore, they could not hope for a favorable access to the throne, or for more mild measures in the rulers of the parent country. Under these circumstances, they frequently addressed their agents in England, and urged them to improve every opportunity for obtaining relief from immediate grievances, and an acknowledgement of their ancient rights. These, indeed, could have little influence. For according to the prevailing opinion of the Court, the province was a mere corporation, existing only at the will of ministers and wholly subject to their control. The agents were not allowed to plead the cause of the province, nor heard in stating the evils endured under the government of a military force, or of ministerial instructions, founded neither in law nor justice. Ministers contended for an absolute, and, of course, an arbitrary power over the colonies; and treated all their remonstrances as evidence of a disloyal and rebellious spirit. They acknowledged no real, independent or natural rights in the subjects in America: And pretended they should be satisfied with such a

measure of liberty as it might please their rulers in England to dispense to them. There still existed the same great difference of opinion between the British Ministry and the patriotic statesmen of Massachusetts, from which the controversy arose in 1765. The latter claimed all the rights of self government and of legislation, with the single qualification of being controled by the crown ; while the former treated the people in the province as in a dependent and servile condition, who were bound to acquiesce in the authority of Parliament. Without a concession of right on the one part, or of authority on the other, no compromise was possible, and no harmony was to be expected.

[There was, indeed, about this time, some appearance of a more mild and just policy in the conduct of ministers towards America ; which was to be attributed, probably, to the apprehension of a war with Spain. For in such an event, it would be wise to conciliate the colonies, who could afford aid in the contest to the parent state. Ministers were also very unpopular in England ; and powerful attempts were made to effect a change of councils. Though Lord CHATHAM was too feeble in health to exert much influence with the Ministers, and though BURKE had hardly yet displayed his great talents in defence of civil freedom, there were many able and zealous advocates in her cause, in the English nation. The Constitution and the great maxims of British liberty had powerful supporters. And they were too enlightened and too disinterested to confine their views to England. They espoused the cause of the colonies ; and protested warmly against the severe measures, which had been pursued in governing their fellow subjects, in this part of the kingdom.

There was, however, no material change in the policy of Great Britain towards the Colonies : So that the same spirit of dissatisfaction prevailed ; and the same complaints were made of oppression and



tyranny. The obnoxious acts for raising a revenue, in the province, without the consent of the Legislative Assembly, were kept in force; instructions were given to the Governor for his rule of conduct, which had no respect to standing laws, or to the convenience of the people; a large military force remained in the vicinity of the capital, not subject to the control of the civil authority; the Governor was rendered wholly independent of the people, by receiving his salary from the crown; and whenever the subject was agitated, the administration in England were careful to insist on their absolute supremacy. There was then no hope of reconciliation; and no just reason for contentment with high-minded and patriotic freemen.

By letters received from the agents, and others in England, at this period, little encouragement was given for a full redress of grievances, though the people were exhorted to persevere in the course adopted for the maintenance of their liberties. "I have learnt, with great satisfaction," said ARTHUR LEE, "from the late proceedings of the Assembly of your province, that you are determined to resist any new invasion of your rights, as well as to remonstrate against those which have already passed. It was such vigilance and perseverance in your illustrious ancestors, that redeemed our constitution when equally invaded: And I trust in God, that these virtues in you will be crowned with the same success." "There is an artful man here from Virginia, who is prosecuting a scheme for an American Episcopate. You will consider, whether any measures on your side may be necessary to counteract this dangerous innovation. Regarding it as threatening the subversion both of our civil and religious liberties, I shall give to it all the opposition in my power." Dr. FRANKLIN observes, "I have the pleasure to acquaint you from good authority, that the project formed by the enemies of the province, for a bill to abridge our charter rights,



though, at first, it received some countenance, is now laid aside. I opposed it, by shewing the imprudence of the measure, and openly declaring my opinion, that the charter being a compact between the King and the people of the colony, who were out of the realm of Great Britain, there existed no where on earth a power to alter it, while its terms were complied with, without the consent of both the contracting parties. I presume not to say, that this had any weight ; and I rather think that a disposition prevails of late to be on good terms with the colonies ; especially as we seem to be on the eve of a war with Spain ; and that, on account of that disposition, more attention has been paid to the sober advice of our friends, and less to the virulent instigations of our enemies." A letter from a private gentleman, but one of great respectability, contains the following remarks. "The voluntary recess of your virtuous and brave ancestors from the scenes of tyranny and corruption, which the reign of the Stuarts had spread over this kingdom, and the colonies and churches which they had established on your continent, upon the more glorious principles of liberal christianity, I cannot but consider as a most important event ; by which very happy fruits are now ripening, though amidst heavy storms, for the great benefit of the whole Christian church. For the noble stand you have made in the cause, both of civil and religious liberty, the whole Christian world owes you many thanks. May your patience and fidelity continue stedfast to the end. There are many thousands here who sympathize with you, and unite their prayers with yours for relief." And here also it may be proper to refer to the important testimony of HUME, as to the peculiar love of freedom in the Puritans, the persecuted race of men by whom New-England was settled ; "That to their spirit and struggles, it was owing, that the flame of liberty was kept alive in the time of Elizabeth, of James, and of Charles I."

In April, 1772, and, again, on the last Wednesday of May following, the General Court was convened at Cambridge, by direction of the Governor. The House of Representatives continued to remonstrate against the measure as a grievance, and a great abuse of power, since there was no necessity to justify it; and both the wishes and the convenience of the people required it to be held in Boston. The same objections were offered as on former occasions; and the House persisted in declaring such conduct altogether arbitrary, although the Governor had intimated, that, on their acknowledging his right, in conformity to royal instructions, to hold the Assembly in any place he should determine, he might be induced to remove it to the capital. He pretended, that it was for the public good the Assembly had been holden at Cambridge, and that the prerogative power was only to be exercised in such cases as the general welfare or exigency required; yet he gave no good reason for this measure; and it was most decidedly in opposition to the public sentiment, as well as to the repeated and urgent request of the Representatives. In July of this year, he ordered it to be holden in Boston, the ancient and proper place of its meeting, out of which it had been kept for more than two years. But he gained no popularity by the measure, at this late period, and after discovering a temper so obstinate and so unaccommodating to the just opinions and requests of the Legislative Body. There was now a settled and general dissatisfaction of his conduct, growing out of his entire subserviency to the British administration, so hostile to the freedom and prosperity of America. He accepted, about this time, and most probably had solicited, a salary from the crown, which rendered him independent of the people in the province. Thus supported, he felt it not his interest to seek their welfare. And their affection for him was finally lost, by his preference of the royal favor to their dearest and most

valued privileges. They considered his acceptance of a support from the British government, as a "bribe," to secure his efforts in promoting its tyrannical schemes; and justly complained of being thus deprived of all "check" upon his public conduct.

This was, in fact, a great change of the spirit and meaning of their charter. They were fully sensible of the dangerous tendency of such an innovation; and urged the Governor to make application to the King, that his support might be provided, as formerly, by the voluntary order of the Representatives. He gave no promise, however, to make such a request; and there is no evidence that he ever did. On the contrary, he declined the usual and honorable grant from the province; "it having been signified to him, that he was to receive his salary from the British government." But soon after, he requested, that the Province House might be fitted up for his reception. The Representatives replied, that they were sensible it needed repairs, and that they were ready to order them to be made "for a Governor who received his support from the province: But as he had accepted a salary from the King, they felt no obligation to incur expense for his accommodation."

The Representatives expressed their great dissatisfaction with this new regulation of ministers, by which the Governor was to have his support from the crown, in certain resolutions, wherein they declared the measure "to be an infraction of their charter." They stated their views of the charter, "as a solemn contract between the crown and the inhabitants of the province:" And this, they said, provided for their supporting its government, with all its civil officers, in such manner and at such an amount, as they should determine. They also pointed out the evils which would result from the measure; as the Governor would thus be entirely independent of the people, of whose interests and liberties he was

designed to be the public guardian. A few days after, the Governor called for a copy of these resolutions; and in a labored message, attempted to invalidate the reasoning, from which the House had concluded the aforesaid regulation to be an infringement on their charter. He assumed, that the charter was (not a contract between two independent parties, but) a mere grant of powers and privileges from the King; which the people of the province could justly claim, only so long as the Sovereign chose to approve of the grant which had been made; and which he had a right, at any time, even without a charge of violation or non-performance on their part, of his absolute and unlimited authority, or mere pleasure, to vacate or alter. The doctrine he advanced was, that the privileges and liberties of the province rested solely upon the royal grant and will; the people in the province having no inherent rights, either as men, or as British subjects. In any other view of the subject, he argued, they would be wholly independent both of Parliament and of the crown. For this, few civilians of Massachusetts were now prepared openly to contend; although the legislative authority they claimed, and their denial of the right of Parliament to make laws for the province, seemed to lead to this principle. The conclusion drawn, by the Governor, from the position he assumed, and the arguments he used to support it, went to justify the British ministry in their late regulation respecting his salary, and to fortify his favorite maxim, that the colonists were bound to submit to all the laws and directions of the parent government: While the House contended, that the charter was an acknowledgment and guarantee of legislative power to the inhabitants of the province, from the King, on certain conditions; which, so long as they fulfilled the conditions, he could not rightfully alter or take away. As to the right of a British Legislature to control and direct them, they denied it altogether. We shall

see this discussion soon brought forward again by the Governor, and forced upon the Assembly, from the necessity of self-vindication; and managed so ably by the patriotic legislators of Massachusetts, as to show the justice of their claims, in opposition to Parliamentary supremacy over the colonies; in consequence of which they were induced to persevere in their struggles for freedom, and at last to take up arms in its defence.



## CHAPTER XII.

Measures of British Ministry more alarming—Decision necessary in the Province, in support of its rights—Meeting in Boston, in November, 1772—Correspondence with other towns in Province—Rights of the Colonies stated—Address to other Towns—Proceedings in some other places—Discussion respecting Judges salaries by W. Brattle and J. Adams—Governor's Speech, January, 1773, contending for Supremacy of Parliament—Reply of Council and House—Their views of Parliamentary authority, and of subordinate Legislatures—Second message of Governor on the subject, and reply of House—Proceedings forwarded to Virginia—Committee of Correspondence with other Colonies, in June, 1773—Their letter of Oct. 1773—And letter of Council and House to Lord Dartmouth—Governor Hutchinson's letters misrepresenting the Province discovered—Situation of Province and temper of the people—Endured much, and desired only their legitimate rights—Apprehensions of forcible opposition—State of Religious Societies and Churches.

WE have now arrived at a period in the controversy between Great Britain and the colonies, in which it appears Massachusetts took a leading part, which called for unusual firmness and effort: And it had become necessary to oppose more decidedly and resolutely the arbitrary measures of the British ministry; or to yield, in utter hopelessness and despair, to such laws as the parent government, in the wanton exercise of power, might impose. The crisis was momentous; and the patriots of Massachusetts were not insensible of the difficulties and dangers which they had to encounter, in defence of civil liberty.

They had to contend with a mighty nation\*—with its artful agents among themselves, and with the fears and prejudices of some of their fellow citizens. There was, indeed, a very general dissatisfaction and complaint, as to the oppressive measures of the British administration : But many had a hope of more favorable terms ; and some were so fearful of the consequences, that they preferred submitting to the pleasure of the King and Parliament. A resort to arms in opposing the authority of Great Britain, was not contemplated, as an immediate, nor, necessarily, as an ultimate measure. But some more full and explicit expression of the sentiments of the people against the severe policy and arbitrary principles of ministry, was considered absolutely requisite at this time, to prevent greater acts of oppression, and to preserve, from utter annihilation, the rights and privileges of freemen. It was proper, therefore, to ascertain the public opinion in this province, and afterwards throughout the other colonies, that their remonstrances might have the more effect ; and that, knowing each other's opinions and views, they might be prepared to act in concert, in their future operations. The doctrine advanced by the Governor, in apologizing for the provision made by Parliament for his support, left to the Legislative Assembly of the province no portion of power, which could be considered secure and uncontrolled ; and, in effect, concentrated all authority in the parent state, to which both people and rulers in the colonies must submit, without consent. This was most alarming, and required the early dissent and protest of those who valued the rights which the province had hitherto enjoyed. The inhabitants of Boston were the first to act at this

\* Lord Hillsborough had become unpopular, and retired from the ministry. But the Earl of Barmouth who succeeded him, although a more decided friend to constitutional principles, was not able to effect any change in the policy of administration towards America. All hope of relief from more just measures of the British government, was therefore abandoned.

critical juncture. For not only had there been an order of ministers for the payment of the Governor's salary by the crown; but it was also proposed to provide for the support of the Judges, in the same way; thus destroying their connection with the people, and rendering them fit agents to carry into effect the most severe laws, which an arbitrary administration might enact.

They first made inquiry of the Governor, whether such a regulation had taken place. But he chose not to inform them.\* They, then, requested him to allow the General Court to meet at the time to which it was adjourned, so that proper and effectual measures might be adopted to prevent the evil they apprehended. To this request, also, he gave a negative reply. A very large committee was then chosen by the town,† “to state the rights of the colonies, and of this province in particular, as men, as Christians, and as British subjects;” and to correspond with the other towns in the province, on the grievances which they all in common endured. At a subsequent meeting, the committee made report; which was unanimously accepted, and ordered to be sent to the other towns: And in which were stated, at great length, and with remarkable ability and clearness, the natural, unalienable rights of man, for which he was dependent only on his Creator, and with which no prince or government might justly interfere, further than by consent or contract. Considered also as British subjects, they claimed equal privileges and rights with their brethren in England, who were represented in the Legislative Body in that nation, and whose property and liberty were protected by the principles of the British constitution. The Christian religion, they contended, gave its sanction to their views of civil liberty; and, especially, in

\* William Phillips, Esq. was chairman of the committee who waited on the Governor with this request.

† James Otis was chairman of this committee.

spiritual concerns, guaranteed to them all the freedom and self-direction, which they and their fathers had long enjoyed.

Their charter, they said, had been infringed, by the assumption of supreme and absolute power over the people in the province, without their consent, by their Representatives; and by the exercise of such power in raising a revenue, without the free concurrence of the Legislative Assembly; their property being thus insecure, and wholly at the will of a foreign government: By the appointment of revenue officers, to reside within the province, with extraordinary powers, and who were not amenable to the legislative or judicial authority: By allowing these officers exorbitant fees, contrary to the laws of the province; which, according to the charter, were to be in force, until disapproved by the King in Council, and over which the Parliament had justly no control: By keeping a large fleet and army in the province in time of peace: By ordering the salaries of the Governor and Judges to be paid by the crown, instead of receiving the same from the Assembly; which would render them entirely independent of the people; and, as they were appointed during the King's pleasure, would make them unduly subservient to the British ministry: By giving ministerial instructions the force of law, when contrary even to provisions of the charter, or to the permanent laws of the land: By extending the powers of Courts of Vice Admiralty, so as to deprive the citizens of the important privilege of juries: By restraints on several useful manufactures,\* which were becoming important to the country: By making those liable to transportation to England for trial, who might be charged with burning any vessel, boat, or spars belonging to the King: And by a plan to establish an episcopate in America, with exclusive ecclesiastical powers and privileges.

\* The manufacture of iron, and of wool for hats, were mentioned.

*It is better in the sources*

In their letter to the other towns, they declared their opinion, "that no power on earth could give either temporal or spiritual jurisdiction, within the province, except the General Court:" They endeavored to arouse their fellow citizens to a just sense of impending evils; and they requested to be informed of their sentiments on the subjects submitted to their consideration; and generally, on measures proper to be adopted for the liberty and welfare of the province. They said, "they had abundant reason to apprehend that a plan of despotism had been concerted, and was hastening to a completion: That the late measures of administration had a direct tendency to deprive them of every thing valuable as men, as Christians, and as subjects entitled to the rights of native Britons. In this critical situation, they interrogated, what could withstand the attacks of arbitrary power? What could preserve the liberty of the subjects, when the barriers of the constitution were taken away? They were therefore induced," they said, "to communicate with their fellow sufferers respecting the recent alarming measures, as well as the many other violations of their rights for several years past. They wished the collected wisdom of the whole people; especially as it had been pretended there were only a few ambitious men who were uneasy"—"If you concur with us in opinion, that our rights are justly stated, and that the several acts of Parliament and the measures of administration pointed out by us, are subversive of our rights, you will doubtless think it of the utmost importance that we should stand firm as men to recover and support them; and to take measures to rescue from impending ruin our happy and glorious constitution. But if it should be the general voice of the province that the rights we have stated do not belong to us, or that the measures of administration are no violations of these rights; or that if they are violated, they are not worth con-



tending for, we must be resigned to our fate ; but shall ever lament the extinction of that generous ardor for civil and religious liberty, which, in the face of every danger and of death itself, induced our fathers to forsake the bosom of their native country, and begin a settlement on *bare creation*. But we trust this cannot be the case. We are sure your wisdom and your regard to yourselves and the rising generation, cannot suffer you to doze, or set supinely indifferent, on the brink of destruction, while the iron hand of oppression is daily tearing the choicest fruit from the fair tree of liberty, planted by our worthy predecessors at the expense of their treasures, and abundantly watered with their blood. It has been said, that a people long enured to hardships, lose by degrees the very notions of liberty ; that they look upon themselves as the creatures of mercy, and that all impositions laid on by superior hands, are legal and obligatory. But thank heaven, this is not yet verified in America. We have some share of public virtue remaining. We are not *afraid of poverty ; but we disdain slavery*. Let us consider, that we are struggling for our best birth rights and inheritance ; which, being infringed, renders all our blessings precarious in their enjoyments, and consequently trifling in their value."

Most of the towns in the province had meetings, and expressed their approbation of the Boston report and address. They complained of the grievances and distresses, which they had long suffered under the British administration ; and which, they said, they perceived to be increasing : And explicitly declared their opinion, that their charter, in many respects, had been grossly violated. While they disclaimed all thoughts of rebelling against the parent state, they hesitated not to deny the supremacy of Parliament within this province, and contended for the exclusive right of the General Court to lay taxes and legislate for its citizens, with the qualification

provided in their charter, of any particular law being liable to be annulled by the King in Council.\*

These resolutions of Boston and other towns in the province greatly alarmed the Governor and his political friends. They had hoped, that the opposition to the British ministry would gradually cease ; and that, through fear of ministerial and royal resentment, the people would be induced to submit. After the votes and circular address of Boston were adopted, and before the other towns had meetings to act upon them, endeavors were made, in many places, to prevent the people from approving the statement and report of the patriots in the capital. But these attempts were generally without effect. There were, in every town, some intelligent men, who perfectly understood the nature of the dispute with Great Britain, and who saw the evil tendency of the claims of administration to govern the colonies. They were also a sober, moral and religious people, who were actuated by principle ; and who, while they contended earnestly for that portion of liberty secured to them by their charter, and which they had long enjoyed, were indisposed to all unconstitutional means of redress.

The ministerial regulation for paying the salary of the Judges, which rendered them wholly dependent on the crown, was the occasion of a learned and able discussion, in the public papers, by WILLIAM BRAT-

\* The resolutions of the inhabitants of Roxbury were very decided and spirited. They said, "that the Judges, appointed during the royal pleasure and supported wholly by the crown, would soon become the fit instruments of arbitrary power, and assist in the dreadful work of oppression and tyranny." And they proposed, "that the General Court should provide a *permanent* support for them ; and that they should be liable to be removed on an address of the two Houses of Assembly." The citizens of Marblehead resolved, "in order to inform posterity, should their rights and liberties be preserved, how much they would be indebted to the eminent patriots of the present day, that the name of J. Hancock, Moderator of the meeting in Boston, at which originated the statement of our rights, of J. Otis, S. Adams, J. Warren and others, members of the committee be recorded in the books of the town, as great supporters of freedom, and who have done much honor and service to their country."

TLE, at that time senior member of the Council, and JOHN ADAMS, who was then about the age of thirty-five years, but who had already taken an active part in support of civil liberty, and was distinguished for his great talents and legal acquirements. Mr. BRATTLE had, hitherto, decidedly condemned the severe policy of ministers towards the colonies ; and had united with Mr. BOWDOIN and others of the Council, in strenuously asserting the charter rights of the province, in opposition to the arbitrary conduct of BERNARD and HUTCHINSON. But he now became less firm and decided in favor of the people, and declared an opinion, that the new regulation, by which the Judges were to receive their support from the King was not of so dangerous tendency as some apprehended. He publicly apologized for the measure, upon the ground that it made them more independent. He contended, that the Judges held their office during good behaviour ; and that they would not, therefore, be unduly subservient to the views of administration, although they had their salary from the royal treasury. Mr. ADAMS asserted and proved by several learned essays on the subject, that they did not hold their office during good behavior ; that, though, in justice, they ought to hold them by that tenure, as they were appointed by virtue of a law of the province, according to provisions of the charter ; yet, that they were not removable by any authority here, even on a charge of corruption and mal-conduct : But were liable to be removed, at any time, at the pleasure and will of the King, signified to his Governor here ; and would therefore probably be retained so long as their conduct was agreeable to ministers ; and, that, if they were also to have their stipend from the crown, they would be independent of the people and Assembly in the province, and become entirely dependent upon the royal will. These essays were written with great learning and ability ; and had a happy effect in enlightening the public

mind on a question of very great importance. It subjected him, indeed, to the displeasure of Governor HUTCHINSON and the ministerial party : And at the next election in May, when chosen by the Assembly into the Council, the Governor gave his negative to the choice.

It is a fact worthy of notice, that the debt of the province, which eight and ten years before this period, was very large, and required great privations and efforts to discharge, was now so much reduced, as that a very small tax only was necessary to meet the expenses of government and the regular demands on the public treasury. A spirit of prudence and foresight seems to have animated the Assembly at this period : And the people also were disposed to avoid all foreign luxuries, and to maintain the credit of the government ; whether with an expectation that greater struggles awaited them, it would be difficult to determine.

When the General Court met in January, 1773, the Governor made a long and labored speech in defence of the doctrine, he had before advanced, of the supreme authority of Parliament over the colonies. He referred to the recent proceedings in Boston and other towns ; and pronounced them to be highly improper, and calculated to excite and encourage a spirit of rebellion in the province. He said, the province was in a very disordered state ; and he imputed it to the ambitious views of some individuals, who were determined to censure and oppose all the measures of the British government, to which they ought humbly and quietly to submit. His great object was to prove the entire and absolute supremacy of the legislature and of the administration in England throughout all the British dominions. Parliament had a right, he said, to grant and establish corporations ; and it had so established them in England. And such, he contended, were the charters for the Plantations and Colonies in America ; which could.



justly claim no more power than was expressly granted: This delegated power, in its very nature, was limited and subordinate; and was liable to be controlled, or withdrawn, at the pleasure of the parent state, or by royal authority. Supreme power, he asserted, belonged to Parliament, and to Parliament only. It was subject to no limitation or control; and its will, therefore, could not be opposed or questioned, without the charge of rebellion.

The Council and House of Representatives expressed their reluctance to engage in this controversy; but declared, that they considered it a solemn duty to defend and support the claim they had before advanced, and which lately by the people of Boston and of many other towns had been asserted, of their exclusive right to legislate for the subjects in the province, by virtue both of their charter and of their birthright, as Englishmen; and of the consequent impropriety of any other power to control them, excepting that reserved to the parent government, of annulling particular provincial laws. In a qualified sense, indeed, they acknowledged the supreme authority of Parliament over the whole kingdom, of which they were a part. But this, they contended, was limited by great constitutional principles, and by the eternal rules of reason and justice: And they insisted, that it was contrary to the fundamental maxims of British liberty to lay taxes upon, or to legislate for, any of the subjects, but with the concurrence and consent of their Representatives. They urged, also, the rights and powers guaranteed by their charter, which was granted by the King, without any law of Parliament; and which secured to them the right of legislation and of self-government within the patent granted to them. This, they insisted, was of the nature of a contract; which on their part had never been violated: And, therefore, that the King even could not justly interfere with the legislative authority in the province.



That their charter was a contract, and not merely a grant of privileges, which might be annulled at any time, they stated the reasons for granting it ; and the situation and circumstances of the country, and of their ancestors who settled it. “ They were induced to remove and settle in this wilderness, they said, upon the solemn promise and contract made by the King, that they should *solely* enjoy the soil and jurisdiction of the country ; should make laws for themselves ; should hold Assemblies of Legislation and Courts of Justice, and be protected in the full enjoyment of all civil and religious rights.” They laid much stress upon the grants in their charter, which could not be revoked without great injustice ; and which were purposely made, as they argued, from the necessity of the case, growing out of their situation and condition ; being far removed from the parent state, and unable to have a real and proper representation in the British Parliament. And they failed not to refer to the natural and unalienable rights of man, to which they were entitled in common with all mankind, independently of all government, of all royal grants, and of all human authority whatever, except so far as they had assented and agreed to it. They said they meant not to deny, that Parliament was the supreme or highest power in the whole nation ; and they did not meditate or wish for independence : But they must insist, in reply to the assertions and reasonings of the Governor, that Parliament, as a legislative body, had no just authority in the province ; and that the King could only rightfully control their legislative power by disapproving any particular laws, which they might enact : That the power of Parliament was limited by constitutional principles, and was barred this jurisdiction by an express contract which their ancestors had made with the crown ; and the royal prerogative was to be exercised only for the welfare and benefit of the subject, and in cases plainly reserved to the Sovereign

in the charter : That though the Parliament possessed the supreme or highest authority in the nation, and that of the province was subordinate, the former could no more control the latter (except in great national questions, as to peace and war, and the regulation of commerce) than either could impair contracts, or take away the rights of corporations, or interfere with the personal and domestic concerns of individuals, in every particular part of their conduct. In a word, that the powers given by charter, and those to which they were entitled as men, with which no government could justly interfere, remained to them as a sacred and inviolable right, which it would be most arbitrary and tyrannical to infringe.

The Governor addressed another long message to the Assembly ; in which he attempted to shew the inconsistency and fallacy of their arguments, and in which he labored principally to establish his former position, of the unlimited and supreme authority of Parliament. He insisted, that if this doctrine were not admitted, the province was absolutely independent, and might as well declare itself entirely separate from the parent state. To this the Council and House of Representatives prepared answers, equally spirited and learned as the former. They said, they would not undertake to limit precisely the authority of Parliament over the colonies—Yet insisted that there were limits to it, in reason and justice, in their charter, and even in the principles of the British constitution : That representation was essential in the Assembly or Body, which made laws and levied taxes upon any portion of the subjects : And that, if the doctrine urged was correct, there was, in fact, no limits or control to parliamentary authority ; and they could perceive, in their condition, nothing preferable to the most abject and complete slavery.\*

In this discussion, the Governor asserted, that the supreme authority of Parliament over the province

\* See Massachusetts State papers, page 336, &c.

had never been denied, until within a few years; while the House insisted, that it had never been acknowledged; but, on the contrary, had often been questioned—that it had been declared, at different periods, by the Assembly of Massachusetts, that no government whatever, had a just right to lay taxes or regulate the internal concerns of the province; and that, though they acknowledged allegiance to the crown, the legislative authority of Parliament was never admitted. They considered themselves, indeed, a part of the British empire or nation; yet so distinct and independent of the parent government as to be free of its control, except in some great national respects; in which, however, they claimed equal privileges with other Englishmen: But justly entitled, by their peculiar situation and by their charter, to the right of making laws for themselves. There was no other way, in which, excluded as they were from a voice in the legislature and administration in England, they could enjoy the civil privileges and liberties of British subjects. They were careful to show, from past events in the province, that such power had been claimed and exercised: That declarations had been made of their rights, to the same extent, both under their present and former charter.\* And that they had invariably decided, for themselves, what monies should be raised in the province, for the support of its government, and officers; and how these sums should be applied. The history of the province, written by the Governor, was referred to in support of their position, that such had always been the sense of the inhabitants, respecting their legislative power. And it appeared, he had formerly been of opinion, that our ancestors were correct in these claims, and in the construction given to the charter.

When commissioners were sent into the New England colonies in 1664, by Charles II. with powers,

\* See Introductory chapter.

independent of the government in the province, to decide respecting the title to some tracts of land, and to dictate in other concerns, the Assembly of Massachusetts protested against their proceedings; and when summoned to appear before the commissioners, denied their authority, though they had express instructions from the King to warrant their conduct.\* By the remarks, the Governor had formerly made respecting this event, it was evident, that he considered their commission as arbitrary and unjust.

The Governor insisted, that the clause in the charter, which restricted the Assembly, in its legislative power, to the passing of such laws "as were not repugnant to the laws of England," was in favor of his opinion of the supreme, controlling authority of Parliament in the province. But the House contended, and adduced proof that such had formerly been the construction, that this was only a general limitation, designed to prevent the enacting of laws contrary to the fundamental statutes of the kingdom, in force at the time the charter was granted, and to the great and essential principles of the British Constitution, with a view to the guarantee and support of a free government in the province.

Perhaps it will most correctly shew the sense of the Council, on this subject, to give the language, used in recapitulating their argument, to prove the

\* The Assembly in Plymouth colony in the year 1636, declared, 'that no act, imposition, law or ordinance be made or imposed upon us, at present, or to come, but such as has or shall be enacted by the consent of the body of freemen, or their representatives legally assembled; which is according to the free liberties of the free born people of England.' So, in 1692, after the union of the two colonies, it was declared by the General Court of Massachusetts, 'that no aid, tax, assessment, loan or imposition whatever, shall be laid, assessed, imposed or levied on any of his Majesty's subjects on any color or pretence whatever, but by the act and consent of the Governor, Council and House of Representatives assembled; and that no freeman shall be taken, imprisoned or deprived of his freehold or liberty; nor be judged and condemned, but by the lawful judgment of his peers, or the law of the province.'



inhabitants of the province not to be constitutionally subject to Parliamentary taxation. In order to do this, they resorted to Magna Charta and other authorities. And the argument abridged, was as follows: "That, from these authorities, it appears to be an essential part of the English constitution, that no tallage, aid or tax shall be laid or levied, without the good will and assent of the freemen of the commonalty of the realm: That, from common law and the province charter, the inhabitants of this province are clearly entitled to the rights of free and natural subjects within the realm: That among those rights must be included the essential one just mentioned, concerning aid and taxes—And, therefore, that no aid or taxes can be levied on us, constitutionally, without our consent, signified by our Representatives—Whence, the conclusion is clear, that the inhabitants of this province are not, constitutionally, subject to Parliamentary taxation."

Besides two very able messages from the House of Representatives to the Governor, during this session, in reply to his labored apologies for the supreme authority of the British Parliament over the colonies, which were adopted with great unanimity, and to which we have already referred, they prepared and published several resolutions, expressive of their opinions in relation to this highly interesting question, which it may be proper, also, here to recite, that their views may be more fully perceived. And as this was, in truth, the foundation and chief matter of the controversy with the British government, it is the more important, that there should be a particular statement of their sentiments.

"Whereas, by an act of the British Parliament, made and passed in the sixth year of his present Majesty's reign, it is declared, that the King, Lords and Commons, in Parliament assembled, have ever had, and of right ought to have, full power and authority to make laws and statutes, of sufficient



force and validity to bind the colonies and people of America, in all cases whatever: And, afterwards, the same Parliament made and passed an act for levying duties in America, with the express purpose of raising a revenue, and to enable his Majesty to appropriate the same for the necessary charges of the administration of justice, and the support of civil government, in such colonies as shall be judged necessary, and towards further defraying the expences of defending, protecting and securing said dominions: And his Majesty has been pleased, by virtue of said act, to appropriate a part of the revenue, thus raised, against the consent of the people, in providing for the support of the Governor of the province; and from his Excellency's late message, we cannot but conclude, that provision is made also for the support of the Judges, independent of the grants and acts of the General Assembly, contrary to invariable usage of this province: Therefore, resolved, That to admit of any authority to make laws binding on the people of this province, in all cases whatever, saving the General Court or Assembly, is inconsistent with the spirit of our free constitution, and repugnant to one of the most essential clauses in our charter; whereby the inhabitants are entitled to all the liberties of free and natural born subjects, to all intents, constructions and purposes whatever, as if they had been born within the realm of England. It reduces the people to the absolute will and disposal of a legislature, in which they can have no voice, and who may make it their interest to oppress and enslave them.

“Resolved, That by the royal charter aforesaid, the General Court or Assembly hath full power and authority to impose and levy proportionable and reasonable assessments, rates and taxes, upon the estates and persons of all proprietors and inhabitants of the province, to be issued and disposed of for his Majesty's service, in the necessary defence and support of the government of the province, and the

protection and preservation of the inhabitants, according to such acts as are or shall be in force, within the province. And to make provision for the support of the Governor and Judges, otherwise than by the grants and acts of the General Court, is a violent breach of a most important clause in the charter; the support of government, in which their support is included, being one of the principal purposes for which the clause was inserted.

“And whereas the independence, as well as the uprightness of the Judges of the land, is essential to the impartial administration of justice, and one of the best securities of the rights, liberty and property of the people: Therefore, Resolved, That to make the Judges of the land independent of the grants of the people, and altogether dependent on the crown, as they will be, if, while they thus hold their commissions during pleasure, they accept of salaries from the crown, is unconstitutional, and destructive of that security, which every good member of civil society has a right to be assured of, under the due execution of the laws; and is directly the reverse of the constitution, and appointment of the Judges in Great Britain.

“Resolved, That the dependence of the Judges of the land on the crown for their support, tends, at all times, especially, while they hold their commissions during pleasure, to the subversion of justice and equity, and to introduce oppression and despotic power.

“Resolved, as the opinion of this House, That while the Justices of the Superior Court hold their commissions during pleasure, any one of them who shall accept of, and depend upon the pleasure of the crown for his support, independent of the grants and acts of the General Assembly, will discover to the world, that he has not a due sense of the importance of an impartial administration of justice; that he is an enemy to the constitution; and has it in

his heart to promote the establishment of an arbitrary government in the province.”\*

As the subject of the Judges' salaries excited an uncommon interest at this time, among the Representatives, and the people, generally, it being in their opinion a dangerous innovation on the principles of their charter, and of corrupting influence on the character and proceedings of the judiciary, the House desired to be officially informed by the Governor, whether support was actually made for them by the crown. He gave an evasive answer; observing, that the King had been authorized to do it, by an act of Parliament; but, that he knew not if any warrant had been issued for the payment of their salaries, by order of his Majesty. The House then passed a bill, making the usual compensation to the Judges: But the Governor declined signing it; because, he said, he presumed they would receive it by ministerial direction and provision. Their message to him, after receiving this information, affords evidence of their unremitted efforts to prevent the inroads of arbitrary power, and of their great anxiety to preserve the liberties of the province in all their purity.

“We conceive,” they said, “that no Judge who has a due regard to justice, or to his own character, would choose to be placed under such an undue bias, as they will be under, in the opinion of this House, by accepting of and becoming dependant for their salaries on the crown. And had not his Majesty been misinformed, with respect to the constitution and appointment of our Judges, by those who advised to this measure, we are persuaded he would never have passed such an order; as he was pleased to declare upon his accession to the throne, ‘that he looked upon the independence and uprightness of the Judges as essential to the impartial administration of justice, as one of the best securities of the rights

\* The Justices of the Superior Court, at this time, were P. Oliver, E. Trowbridge, N. Ropes, F. Hutchinson and W. Cushing.

and liberties of his subjects, and as most conducive to the honor of the crown.'

"When we consider the many attempts which have been made to render null and void those clauses in our charter, upon which the freedom of our constitution depends, we should be lost to all public feeling, should we not manifest a just resentment. We are more and more convinced, that it has been the design of administration totally to subvert the constitution, and introduce an arbitrary government into this province: And we cannot wonder that the apprehensions of this people are thoroughly awakened. We wait with impatience to know, and hope your Excellency will very soon be able to assure us, that the Justices will utterly refuse ever to accept of support in a manner so justly obnoxious to the disinterested and judicious part of the good people of this province, being repugnant to the charter, and utterly inconsistent with the security of the rights, liberties and property of the people."

But the subject did not rest here even. This measure of the British ministers was considered as part of an insidious plan to destroy the rights and privileges guaranteed by the charter to the province. They had already a Governor wholly dependant on their smiles for support, and almost wholly devoted to their arbitrary views, so hostile to the freedom of the people. And now they were to have a judiciary composed of men, who would be under every inducement, which interest or love of power could furnish, to be the tools of a tyrannical administration, and the oppressors of their fellow citizens. At the next June session it was further resolved by the House of Representatives, "that it was the incumbent duty of the Judges of the Superior Court, without delay, explicitly to declare, whether they are determined to receive the grants of the General Assembly of the province, or to accept of their support from the crown; and their



delaying any longer to let the public know their determination thereon, will discover that they have little or no regard for the peace and welfare of the province ; and that, by this means, those who by their several offices, should be the guardians of the public security and liberty, will no longer be the objects of the confidence and esteem of the people : And that in such case it will be the indispensable duty of the Commons of the province to impeach them before the Governor and Council, as men disqualified to hold the important posts they now sustain.”

During this session of the General Court, the Governor, by a special message, informed the House that he had proposed to raise several companies of Artillery sufficient to form one entire regiment, and spoke with approbation of a company of that description in Boston. And he recommended to the House to make provision for their equipment. A bill was prepared for raising such companies : But as the House proposed they should be furnished with arms and other military articles from the province stores at the Castle, the Governor declined approving the bill, as he had before done with respect to a plan for regulating the militia ; and said he could not consent to such an appropriation of military stores and arms, deposited at the Castle without his Majesty’s direction. The views, both of the Governor and of the Representatives, may be perceived, in these different propositions. The House were desirous of availing themselves, as they justly might, of the arms already belonging to the province, without incurring any further expense : And were solicitous, perhaps, to take from the Castle, then in possession of regular British troops, a portion of the military stores, which might be employed against themselves. And the Governor, probably, had his apprehensions of an increase of the uneasy disposition in the province ; and thought proper, therefore, to use all suitable methods to prevent the inhabitants being furnished with arms.



The proceedings of the citizens of Boston in November, 1772, and of the General Assembly in January and February, 1773, which have been stated above, were forwarded to Virginia in the month of March; and their House of Burgesses being in session, the proposition was made and adopted of corresponding with the other colonies on the subject of their mutual grievances. And it is not improbable the spirited conduct of Massachusetts led to the measure. The House of Representatives in this province, had, some time before,\* chosen a committee for the same purpose: But no general communications were then made by them. On receiving notice of this patriotic resolution of Virginia, in June, the Representatives immediately expressed their cordial approbation of the plan; and appointed a committee for the purpose of maintaining such an intercourse. They also voted an address to be forwarded to all the other provinces:† in which they observe, “that being earnestly attentive to the controversy between Great Britain and the colonies, and considering that the authority claimed and exercised by Parliament, on the one side, and by the General Assemblies of this continent, on the other, greatly militates, and is productive of this unhappy contention, the House think it of the utmost importance to the welfare of both, and particularly of the colonies, that the constitutional powers and rights of each be inquired into, delineated and fully ascertained. That his Majesty’s subjects of America are entitled to the same rights and liberties as those of Great Britain; and that those ought in justice, by the constitution, to be as well guaranteed and secured to the one, as to the other, are too apparent to be denied. It is, by this House, humbly conceived, to be likewise undeniable, that the authority assumed and

\* In November, 1770.

† This committee consisted of S. Adams, J. Hancock, W. Phillips, W. Heath, J. Hawley, R. Derby, jr. E. Gerry, J. Foster, J. Greenleaf, J. Prescott, J. Warren and T. Gardner.

now forcibly exercised by Parliament over the colonies is utterly subversive of freedom in the latter : And that while his Majesty's loyal subjects in America have the mortification daily to see new abridgements of their rights and liberties, they have not the least security for those which at present, remain. Were the colonists only affected by a Legislature subject to their control, they would even then have no other security than belongs to them by the laws of nature and the English constitution : But should the authority now claimed by Parliament be fully supported by power, or submitted to by the colonies, it appears to this House, that there will be an end to liberty in America ; and that the colonists will then change the name of freemen for that of *slaves*."

In October, this committee addressed a letter to the other colonies, and assured them that they had not been inattentive to the design of their appointment ; but had been waiting for intelligence from Great Britain, from whose injudicious councils the common grievances of the colonies had arisen ; in hope that a change in the American department\* would have produced a happy change in the measures of administration. " But according to the latest accounts," they observe, " the ministry have been so far from radically redressing American grievances, that not the least relaxation has been proposed : And the Parliament has given new proofs that they are more intent on increasing the power and influence of the crown, than securing the liberties of the subject.†

\* Lord Dartmouth was, a short time before this, made Secretary for American affairs, in the room of Lord Hillsborough.

† With this disposition in the British ministry, it is difficult to account for the sentiments expressed by Dr. Franklin in a letter of July, 1773— " By the exercise of prudent moderation on the part of Great Britain, mixed with a little kindness, and by a decent behavior on ours, excusing where we can, from a consideration of circumstances, and bearing a little with the infirmities of her government, as we would with those of an aged parent, though firmly asserting our privileges, and declaring that we mean, at a proper time, to vindicate them, this advantageous union might still be continued. We wish it, and we may endeavor it.

At the same time, this province has had a very recent discovery of the unaltered resolution of ministers to pursue their plan of arbitrary power, in the King's answer to the petitions of our Assembly against the appropriation of the revenue raised from the colonies for the purpose of rendering our Governor and Judges dependant on the crown. In his Majesty's answer, we have nothing explicit, but his determination to support the supreme authority of Parliament to make laws binding on the colonies, although the petitions were supported by express declarations from the charter; and his great displeasure, that principles repugnant to that claim were therein urged. Such an answer to such a petition affords the strongest grounds to conclude, that the ministry are still firmly resolved to continue the revenue acts, and apply the tribute, extorted by virtue of them from the colonies, to maintain the executive powers of the several governments in America absolutely independent of their respective Legislatures, or rather absolutely dependant on the crown, which must end in absolute despotism.

‘Such being the temper of the British ministry, such the disposition of the Parliament, under their influence, to consider themselves as the *Sovereign* of America, is it not most important our vigilance should increase, that the colonies should be united in their sentiments of the measures of opposition necessary to be adopted; and that in whichever of the colonies any infringements are or should be made on the common rights of all, that colony should have the united efforts of all for its support. This, we think, is the design of our appointment.

The friends of liberty in England wish we may long preserve it on our side the water, that they may find it there, if adverse events should destroy it here. They are therefore anxious and afraid, lest we should hazard it by premature attempts in its favor. They think we may risk much by violent measures; and that the risk is unnecessary, since a little time must infallibly bring us all we demand or desire, and bring it to us in peace and safety. I do not presume to advise. There are many wiser men among you; and I hope you will be directed by a still superior wisdom.”

‘Should a war take place,\* which by many is thought to be probable, America will be viewed by administration as important to Great Britain. Her aids will then be deemed necessary; her friendship, perhaps, will be even courted. Would it not then be wise in the several American Assemblies to withhold all kind of aid, in a general war, till the rights and liberties which they ought to enjoy are restored, and secured upon the most permanent foundation? This has often been the usage of a spirited House of Commons in England: And upon the best grounds. For, certainly, protection and security ought to be the unalterable condition, when supplies are called for.

‘With regard to the extent of rights, which the colonies ought to insist upon, it is a subject which requires the greatest attention and deliberation. And this is a strong reason why it should claim the earliest consideration of every committee; that we may be prepared, when time and circumstances shall give to our claim the surest prospect of success. And when we consider how one great event has hurried on after another, such a time may come sooner than we are aware.

‘There are certain rights, which every colony has explicitly asserted, and we trust they will never give up. In particular, that they have the sole and unalienable right to give and grant their own money, and appropriate it to such purposes as they judge proper, is justly deemed of the last importance. Whether this right, so essential to our freedom and happiness can remain secure to us, while a right is claimed by the British Parliament to make laws, which shall be binding upon us in all cases whatever, you will, certainly, consider with great seriousness. It would be debasing to us, after such a manly struggle for our rights, to be contented with a mere temporary relief. We are far from desiring that

\* There was danger of war with Spain at this period.



the connexion between Great Britain and America should be broken. "*Esto perpetua*," is our ardent wish; but upon the terms only of equal liberty. If we cannot establish an agreement upon these terms, let us leave it to another and wiser generation. But it may be worthy of consideration, whether the work is not more likely to be well done at a time when the ideas of liberty and its importance are strong in men's minds. There is danger that these ideas will grow faint and languid. Our posterity may be accustomed to bear the yoke; and being inured to servility, they may even bow their shoulders to the burden. It can never be expected, that a people, however numerous, will form and execute a wise plan to perpetuate their liberties, when they have lost the spirit and feeling of it.

‘We cannot close, without mentioning a fresh instance of the temper and design of the British ministry, in allowing the East India Company, with a view of conciliating them, to ship their teas to America. It is easy to see how aptly this scheme will serve both to destroy the trade of the colonies, and increase the revenue. How necessary, then, is it that each colony should take effectual methods to prevent this measure from having its designed effects.’\*

In justice to the disposition of the patriots of Massachusetts to preserve their connexion with Great Britain on terms consistent with their civil rights and privileges, as well as to their zealous and persevering efforts in support of constitutional liberty, it may be proper to give some extracts from a letter of a joint committee of the Council and House of Representatives to lord DARTMOUTH in June, 1773.† ‘The re-establishment of the union

\* There was a request that the contents of this letter might not be published. It is believed it never has been.

† The committee were J. Bowdoin and J. Winthrop of the Council; S. Adams, T. Cushing, and R. T. Paine of the House.



and harmony which formerly subsisted between Great Britain and her colonies, is earnestly to be wished by the friends of both. As your Lordship is one of them, the two Houses of the Assembly of this province beg leave to address you. The original causes of the interruption of that union and harmony may probably be found in letters sent hence to the administration in England, and to other gentlemen of influence in Parliament, since the appointment of Sir FRANCIS BERNARD to the government of this province: And there is great reason to apprehend, that he and his coadjutors originally recommended and laid the plan for establishing the American revenue; out of which they expected large stipends and appointments for themselves; and which, through their instrumentality, has been the occasion of all the evils which have since taken place. When we had humbly addressed his Majesty, and petitioned both Houses of Parliament, representing our grievances, and praying for the repeal of the revenue acts, the like instruments, and probably the same, exerted themselves to prevent those petitions being laid before his Majesty and the Parliament, or to frustrate the prayer of them. Of this, we have lately had some new and unexpected evidence from original letters of Governor HUTCHINSON and Lieutenant Governor OLIVER;\* in which the former endeavored, in co-operation with Governor BERNARD, to frustrate a petition of a number of the Council, for repealing those acts; and to procure his Majesty's censure on the petitioners. And the letters of the latter, by the unfavorable idea conveyed by them of the two Houses of Assembly, manifestly tended to create a prejudice against any petitions coming from a Body of such a character.

“It is now manifest what practices and arts have been used to mislead administration, both in the first proposal of the revenue acts, and in the continuance

\* See a few pages below.

of them. But when they had lost their force, and there appeared, under the influence of your Lordship, a disposition in Parliament to repeal these acts, governor HUTCHINSON, in his speech at the opening of the last session of the General Court, was pleased to throw out new matter for contention and debate; and to call on the two Houses in such a manner, as amounted to little short of a *challenge* to answer him. Into such a dilemma were they brought by the speech, that they were under a necessity of giving such answers to it, as they did, or of having their conduct construed into an acquiescence with the doctrines contained in it; which would have been an acknowledgment that the province was in a state of subjection differing very little from slavery.

“The people of this province are true and faithful subjects of his Majesty, and think themselves happy in their connexion with Great Britain. They would rejoice at the restoration of the harmony and good will, which once subsisted between them and the parent state. But it is in vain to expect this happiness, during the continuance of their grievances, and while their charter rights, one after another, are wrested from them. Among these rights, is the supporting of the officers of the crown, by grants from the Assembly of the Province; and in an especial manner, the supporting of the Judges in the same way, on whose judgment the province is dependant, in the most important cases of life, liberty and property.

“If your Lordship should condescend to ask, what are the measures for restoring the harmony so much desired, we should answer in a word, that we are humbly of opinion, if *things were brought to the general state, in which they stood at the close of the late war, it would restore the happy harmony which then subsisted.* Your Lordship’s appointment to be principal Secretary of State for the American department, has given the colonists the highest satisfac-

tion. They think it a happy omen: And that it will be productive of tranquility in America, consistent with our rights as British subjects. The two Houses humbly hope for your Lordship's influence to bring about such a happy event: And in the mean time, they rely with full confidence on your Lordship, that the machinations of Sir FRANCIS BERNARD,\* and other known enemies of the peace of Great Britain and the colonies, will not be suffered to prevent or delay it."

On referring to the proceedings of the Assembly and people in Massachusetts, particularly for several past months, in relation to the extent of Parliamentary authority over the colonies, and to the order of the British government making the Judges dependent on the crown for their support, it is evident, that there was a great apprehension of an increase of arbitrary power; and that the friends of liberty in the province were using every argument and method for the restoration and maintenance of their rights. For seven years, indeed, they had now been contending for ancient charter privileges, which had been abridged or violated by an arbitrary ministry: And for the two last years they had been strenuously pleading for the right of self-government and the common liberties of native Britons, with a royal Governor, who was surrendering their civil privileges, one after another, and had at length officially declared an opinion, that they had no power or rights, but such as it might please the King and Parliament to allow them. It was plainly to be perceived, that, from arbitrary principles, or from misrepresentations respecting the people of Massachusetts, such a severe policy would be pursued, as would leave scarcely the shadow either of authority or freedom in the province. But they were still watchful of their enemies, and careful to take advan-

\* They had abundant proof that Mr. Bernard, though not in office, was still a bitter enemy to the charter rights of the province.

tage of every occurrence to strengthen themselves in the sacred cause, in which they had engaged. They were satisfied, that the Governor was servilely devoted to the British ministry; and was inimical, if not treacherous, to the interests of just and constitutional freedom in the colony. They knew there were those, who misrepresented them to administration and to the King; and who, from motives of revenge or ambition, were disposed to do them great public injury. In several instances, they had been able to account for severe measures against the province from the unjust statements made by individuals resident among them. It was owing to the misrepresentations of governor BERNARD and the commissioners of the customs, that the General Court was dissolved in 1768, and a large military force ordered to be stationed in the capital, to keep the citizens in awe, and to oblige them to submit to oppressive and unconstitutional laws. We are now to see, that the same treacherous part had been acted by governor HUTCHINSON, who, many had been disposed to believe, would be the friend of the province, and the advocate of the people's rights.

Dr. FRANKLIN, the agent for the House of Representatives in England, procured several letters written by the Governor, Lieutenant Governor and some of the commissioners of the revenue, and transmitted them to a citizen of Boston, by whom they were shown to S. ADAMS, a member of the General Court. It was the evident intention of the writers of these letters to give an impression in England, that there was no loyalty and no proper respect for the authority of the parent government, among the people of Massachusetts; that they were disposed to an entire independency; that it was necessary to have the military sent over to assist and support the civil power; and that, in order to have a Council duly affected to the government of Great Britain, the members must be appointed by the crown, instead

of being elected as formerly, by the Representatives; thus changing, essentially, one branch of the government, and having it to consist of persons altogether independent of the people. These letters were written in 1768 and 1769; several of them a short time before those very severe measures were adopted by the British ministry, which had given so much alarm to the friends of liberty in the province: As giving to ministerial instructions the authority of law; dissolving the General Court, in an arbitrary manner, on account of their firm and independent, though constitutional proceedings; placing a number of commissioners of the revenue in the capital, clothed with great and dangerous powers; and the introduction of regular British troops to enforce the execution of unjust and oppressive laws. In one of his letters,\* the Governor observed, “that it was necessary the colonists should be abridged of what were called *English liberties* ;” and “that the people ought to be prohibited holding Town Meetings, and prevented from combinations to disuse British goods imported into the colony.” The people were represented as on the eve of rebellion; and even the members of the House and Council were said to be so fond of popularity, and so much under the influence of the people, that they would afford no support to the royal authority.

Early in the session in June, Mr. ADAMS gave information to the House of Representatives,† that he had these letters in his possession; and that if desired, he would lay them before the General Court. It was accordingly voted that they should be read. The House resolved itself into a committee of the whole to consider the same.‡ After considerable

\* Mr. Hutchinson, at this time Governor; but Lieutenant Governor in 1768 and '69, when the letters were written.

† This notice was given, after the spectators had been requested to retire, and the doors of the House were closed.

‡ Mr. Hancock in the chair.



discussion, the committee rose, and the Speaker resumed the chair ; and Mr. HANCOCK reported, “ that it was the opinion of the committee, that the tendency and design of the letters was to overthrow the constitution of this government, and to introduce arbitrary power into the province.” The House accepted the report, by a vote of one hundred and one, out of one hundred and six. And on the day following, another committee was chosen to consider what was proper further to be done in reference to these letters.

The Governor had early information of these proceedings of the Representatives, and requested a sight of the letters ; declaring, at the same time, in his message, “ that he had written no letters which had a tendency to subvert the constitution.” He acknowledged the letters to be confidential, and expressed great surprise at their being made public. But insisted, “ that instead of wishing to violate the charter of the province, he believed his letters had been favorable to the continuance of the privileges enjoyed under it.” But the House, chusing to judge for themselves, of the meaning and design of the letters, thought they found most abundant evidence to justify the censure they had passed upon the writers, notwithstanding the specious declarations of the Governor. He complained that the treatment was disrespectful, in thus having his confidential letters communicated to the General Court, and published for the perusal of the people. The House observed, in reply, that they were performing a solemn duty, which they owed to themselves and to their fellow citizens, who had been traduced and injured by those, whose duty it was to vindicate and maintain their rights.

This discovery was highly injurious to the character of Mr. HUTCHINSON ; and served to increase and unite the friends of liberty. Many, who had formerly been disposed to justify or excuse him in

the part he had acted, and who had pretended he was slandered by the zealous patriots, were now fully satisfied of his settled enmity to the substantial rights of the people; and joined with others in censuring this ungenerous and treacherous conduct. A general indignation was excited against him; and he was openly stigmatized as a traitor to his country.

A reference to the resolutions reported by the committee of the House, and adopted almost unanimously, will manifest the public sentiment, on this occasion. They were, in substance, as follows: "That the letters signed THOMAS HUTCHINSON and ANDREW OLIVER, contain misrepresentations, and aggravated accounts of facts; and that it was the manifest design of them to represent the matters they treat of, in a light highly injurious to the province: That, considering the measures they suggested, and the temper in which they were written, they had a direct and efficacious tendency to interrupt and alienate the affections of our most gracious Sovereign from this his loyal and affectionate province; to destroy that harmony and good will between Great Britain and this colony, which every friend to either would wish to establish; to excite the resentment of the British administration against this province; to defeat the endeavors of our agents and friends to serve us, by a fair representation of our state of grievances; to prevent our humble and repeated petitions from reaching the royal ear of our common Sovereign; and to produce the severe and destructive measures which have been taken against this province; and others still more so, which have been threatened: That, in the opinion of the House, it clearly appears from these letters, to have been the desire and endeavors of the writers of them, that the acts of the British Parliament for raising a revenue in America might be carried into effect by military force; and, by introducing a fleet and army into his Majesty's loyal province, to intimidate the

minds of his subjects here, and prevent every constitutional measure to obtain the repeal of those acts, so justly esteemed a grievance to us, and to suppress the very spirit of freedom.

“And whereas, (they added,) for many years past, measures have been taken by the British administration very grievous to the good people of this province, which this House have now reason to suppose were promoted, if not originally suggested by the writers of these letters, and many efforts have been made by the people to obtain the redress of their grievances; it appears to this House, that the writers of these letters have availed themselves of disorders, which naturally arise in a free government under such oppressions, as arguments to prove that it was originally necessary such measures should have been taken, and that they should now be continued and increased: That it has been the misfortune of this government, from the earliest period of it, from time to time, to be secretly traduced and maliciously represented to the British ministry, by persons who were neither friendly to this colony, nor to the English constitution: That the House have just reason to complain of it, as a very great grievance, that the humble petitions and remonstrances of the Commons of this province are not allowed to reach the hand of our gracious Sovereign, merely because they are presented by an agent, to whose appointment the Governor does not consent; while the partial and inflammatory letters of individuals, who are interested in the revenue acts and the measures taken to carry them into execution, have been laid before administration, attended to, and acted upon, not only to the injury of the reputation of the people, but to the depriving of them of their invaluable rights and liberties:—And as this House is humbly of opinion, that his Majesty will judge it incompatible with the true interests of his crown, and the peace and safety of the good people of this his loyal province, that

persons should be continued in places of high trust and authority in it, who are known to have endeavored to undermine, alter and overthrow the constitution of the province; they are bound in duty to the King and their constituents, humbly to remonstrate to his Majesty against the conduct of his Excellency THOMAS HUTCHINSON, Governor, and the Honorable ANDREW OLIVER, Lieut. Governor of this province; and to pray that his Majesty would be pleased to remove them forever from the government thereof."

The proceedings of the Council, on the subject of these letters, which were laid before the Board by the Representatives, were equally decided and spirited as those of the House. They adopted resolutions, in which they pointed out the injurious tendency and effect of the letters. They expressed an opinion, that the writers were inimical to the liberty and welfare of the province; that they had misrepresented the temper of the people, and the conduct of the Assembly; that the charter rights of the province had been infringed through their influence and advice; and that it was proper to pray the King to remove Mr. HUTCHINSON and Mr. OLIVER from the high offices which they held in the province.\*

In pursuance of these resolutions, a memorial to the King was prepared, requesting that he would be pleased to remove the Governor and the Lieutenant Governor from their respective offices. This memorial was laid before the Privy Council, and was pronounced to be groundless, false and libellous. ✓  
Mr. HUTCHINSON, however, soon after, and probably at his own request, had permission of the King to leave the province, and repair to England.

It is not the part of the historian to indulge in conjectures, or to state the probability, under other pre-

\* Bowdoin, Sever, Dexter and Winthrop composed the committee which prepared these resolutions.

vious circumstances, of far different events from those which took place : Yet it is obvious to remark, that, if governor BERNARD and governor HUTCHINSON had been really friendly to the liberties of the people ; had they endeavored to conciliate the leading patriots in this province, and to give the most favorable accounts to the British ministry, which truth and fidelity would permit, of the situation of the country, and of the claims of the Legislative Assembly, the connexion with the parent state would not have been so easily dissolved. It would have been seen in England, that no new claims for privileges or power were set up in Massachusetts ; that the measures of administration were infringements on the charter rights of the province ; and were also very oppressive, as the people had been burdened with a heavy debt, occasioned by the late war ; the object of which was more the glory and prosperity of the British empire, than the protection of the subjects in America : And the friendly interference and advice of ministerial agents might have prevented the severe measures, of which the colonists had just reason to complain. They could not have expected success, on a trial of strength, with the superior power of Great Britain : And the attachment they had for the King and their fellow subjects in England was so sincere, as to forbid the supposition of a meditated separation.

A recollection of the patient conduct of the patriots in Massachusetts, under the arbitrary measures of insolent revenue-collectors, and of their reluctance in denying Parliamentary authority, when asserting and pleading for their charter rights, must convince every impartial mind, that the unhappy controversy with England was not on account of any extravagant claims advanced by the people of this province. Like their ancestors, they suffered much and long from the severe policy of the British ministry. Like them, they sought redress, by constitutional means.



And like them, they resolved, also, should the sad alternative be necessary, to hazard the resentment of the parent government, rather than to surrender their civil privileges, and incur the charge of having consented to subject their posterity to hopeless tyranny. However undesired the event might be, by the people in Massachusetts, the presentiment had, at times, forced itself upon the more intelligent, that a separation from Great Britain would be the only effectual security for their freedom: And some of their measures, had, probably, even now, been taken, with reference to such a result. With this view, perhaps, they had established committees of correspondence in all the towns in the province, and had been solicitous to provide for disciplining and arming the militia. Although it can hardly be said, that incipient measures of preparation for a forcible opposition to British authority were yet proposed, there is evidence, however, of inquiries and an anxiety then prevailing, with reference to the means of self-defence, should an attempt be made to enforce the plans of administration, which tended to violate and destroy their civil liberties.\*

The government and concern of religious societies in Massachusetts, in which the first settlements were made by English Puritans and Non-conformists, in the early part of the seventeenth century, justly merit some attention in a history of this ancient colony. A faithful statement of ecclesiastical affairs in former periods has been given by other writers. It is necessary, therefore, here to notice only such important disputes or events in this department, as occurred during the short season, which we have undertaken to narrate. On account of some unusual proceedings

\* To shew the sentiments and feelings of the people in the capital at this time, May, 1773, we here note, that the inhabitants of Boston instructed their Selectmen, that, if the commissioners of the revenue were invited to dine with the Governor in Faneuil Hall, they were to refuse it: Yet, in June, the Assembly voted, as usual, to celebrate the birth day of the King, their rightful Sovereign.

of societies, in dismissing their religious teachers, without the approbation and advice of neighboring churches, by delegates in council assembled, the Convention of the Congregational Clergy, in May, 1773, gave their views to the public, with the laudable design of preventing divisions and parties in the respective societies of the province; and of establishing something like order and system both in the settlement and removal of a minister. In several cases, the advice of other churches had been disregarded and rejected; and bare majorities, evidently under the influence of great party prejudices and excitement, had voted to dismiss their pastors; and thus unjustly deprived them of support, when there were no reasonable grounds of censure. In the address of the Convention, it was admitted, that our churches were, in some measure, independent, and had the right both to elect and remove their ministers, without consulting any others. But for the sake of harmony and of religious intercourse, and for the purpose of securing the most prudent and judicious decisions, in all cases of dispute in a church, whether between brethren of the laity, or between the people and their pastor, it had long been considered proper, and had become matter of general usage, to call a council of delegates from other societies, whose advice, though not absolutely binding, was to be observed and followed. Christian fellowship and friendly intercourse, the peace and welfare of the churches, as well as justice to individuals, and the promotion of truth; all united, they said, to recommend and justify the practice. This, they stated to have been the understanding of the eminent men who prepared the 'Cambridge Platform;' and was also agreeable to the sentiments of many learned Divines, who had written on the subject. Nothing authoritative or decisive, however, was settled by this publication. Different opinions and different practices have since prevailed. And this state of

diversity and variance, perhaps, is greatly preferable to any plan which could be adopted; which would be likely soon to furnish pretexts to a few intolerant men to encroach on the liberty of their fellow Christians.

At this period, the Baptists were more active than formerly, and appeared more desirous to increase their numbers and influence. They complained that the members of the congregational societies were intolerant, and that the legislature, even, was not altogether impartial in the laws for the support of public religious instruction and worship. No charge of improper conduct is intended to be made against this sect of Christians. In a free government, every one should have liberty to exert himself for the promotion of his own religious opinions. But it is a fact, that the minority in all communities are prone to complain, that they have not a due share of attention and influence: And sometimes claim greater privileges or exemptions than strict justice and impartiality can demand. A case may be stated, which will justify this remark.

Some few years before this period, a tract of land had been granted to certain proprietors, for a township, lying in the county of Hampshire. The conditions, on which the grant was made, were similar to those required in other cases. Several lots were reserved for public uses; the grantees were required to put on a certain number of settlers within a specified term of time; and a learned protestant minister was to be ordained and supported. Some of the non-resident proprietors had become Baptists. Their lands, as well as the lands of others, were taxed for the support of schools and the ministry, according to the statutes of the province, and to express conditions of the grant. They refused to pay the taxes assessed upon them; and their lands being offered for sale on this account, they petitioned the General Court for relief. They complained of

the oppression and injustice of the case ; pleaded conscience as an excuse ; and insisted, that no one ought to be taxed, or to pay taxes laid upon him, unless he had consented to the law, which required it. They pretended this was a similar case to the colonies, who were taxed by the British Parliament, in which they were not represented.

The committee of the General Court, to whom the subject was referred, reported, “that the prayer thereof was unreasonable, and the complaints made altogether unfounded.” They expressed an opinion that conscience was not at all concerned in the question ; and rebuked the petitioners for indecorous and disrespectful suggestions. They stated, that the terms, on which the grant of land was made, were legal, and agreeable to invariable usage ; that such conditions were necessary for the settlement and improvement of the new towns, and for the regular maintenance of schools, and of public religious worship and instruction ; that the complainants must have known the effect of the conditions on which the purchase of the land was made by the proprietors ; that the law, which they were pleased to call unjust, was general in its application through the province ; that what the petitioners prayed for and demanded as a right, would operate most unequally and partially ; and would, indeed, be a dispensation in behalf of the Baptists, which was allowed to no other denomination of Christians, and to no other class of citizens.

The laws then in force allowed an exemption from payment of taxes to the ministers of religion, to such as were of a different sect, in the town where they had their residence. Every thing just and reasonable, as it was stated in the report, had been done by the Legislature in favor of liberty of conscience. But it was considered neither expedient nor just, to grant the particular exemptions prayed for in the petition ; for the public interests would have

suffered; and conditions, connected with a pecuniary contract, required of all other citizens, would thereby have been remitted to those belonging to the baptist denomination.\*

The number of Episcopalians in the province, at this time, was about the same as for several years previously. The proportion to the whole population, was not so great, as in the early part of the century. The increase of inhabitants, during that period, in the interior, where new townships were taken up and settled, was wholly in favor of the Congregational churches. For very few of the yeomanry, or of the middling class of citizens, were attached either to the ceremonies or ecclesiastical government of the church of England. Although some of the more opulent citizens, and most of the officers of the crown attended worship in the Episcopalian churches, the people very generally adhered to the system adopted by their pious ancestors, as more agreeable to scripture, in their apprehension, and more consonant to the principles of political freedom, for which they were contending. It is gratifying, however, to know, that, with this diversity of religious opinion, among the people of the province, there was a spirit of catholicism prevailing, highly honorable to the men of that period, and creditable to the pure and benevolent religion which all professed.

\* See No. V. in the Appendix.



## CHAPTER XIII.

Lord Dartmouth Secretary for American Affairs—Same policy continued—Some imposts repealed—Duty on Tea remains—Tea sent to America by East India Company—Opposition of the people to it—Resolve to prevent the use and landing—Council advise against it—Proceedings in Boston respecting the Tea—Request to return it to England—The Consignees refuse—The Tea destroyed—Other Towns resolve to support the citizens of Boston—Measures and Plans of British more unfavorable—Governor declares the King's disapprobation of the Committees of Correspondence—The House vindicate the measure—Proceedings respecting the Judges' salaries paid by the Crown—They are required to relinquish it—Judge Oliver declines, and is impeached—The Governor refuses to decide—Council and House remonstrate against his conduct—He has leave to go to England.

LORD DARTMOUTH, Secretary for American affairs, was more favorably disposed towards the colonies than his predecessor, Lord HILLSBOROUGH, had been. The agents for Massachusetts found him more accessible, and more friendly in his assurances of regard for the welfare of the subjects in America. Their communications to him were received with less formality and court etiquette ; and he was careful to present the petitions, they offered from the province, to his Majesty. Those respecting the salaries of the Governor and Judges, and praying for the removal of the Governor and Lieutenant Governor, on discovering their very unfriendly letters, were promptly laid before the King by this

minister; though they made no impression on the royal mind, nor produced any change of measures towards America. The King, indeed, admitted the propriety of the colonial Assemblies to petition and to state their grievances; which, on some former occasions, the ministry had denied. But he disapproved of the complaints against Mr. HUTCHINSON and Mr. OLIVER; and asserted most expressly, in answer to these petitions, the supreme authority of Parliament over all the subjects; as well those in the colonies, as those within the realm of England.

Whatever, then, were the wishes of some individuals in the British Cabinet, the greater number were advocates for arbitrary measures towards the colonies; or were so firmly resolved to maintain the supreme authority of Parliament, as to insist on their submission to all such laws as might be enacted by the parent government. This claim on the part of the British ministry had been the source of all the uneasiness and difficulties in the province. And when some oppressive acts had been repealed, on the complaints of the people, ministers still asserted the right of Parliament to legislate for the American subjects; thus denying the claim of the patriots in Massachusetts to regulate their own internal concerns, and to determine both the amount and object of taxes of every description. With this view, and on this principle it was, that the British administration retained the duty on tea, when they removed it from paper, glass and other articles, which had been some time subject to imposts. And in consequence of the continuance of this duty, agreements had been very generally made through the province, and in most of the other colonies, for the disuse of this article, although the people had become very much attached to it.

The want of a market in America for teas, operated greatly to the injury of the British East India Company: For, formerly, they had sold large quanti-

ties to merchants in England to be sent to the colonies. Their warehouses in England were now full; and they obtained leave of Parliament, under the directions of the Lords of the Treasury, to ship it to the colonies on their own account; and a drawback was allowed on all teas exported from Great Britain to America. The colonists were thus threatened with having large cargoes brought into their ports, subject to a high duty, without their order; and which, having found its way into the country, would be likely to be purchased by individuals, and a revenue collected for such objects as ministers might see fit to appropriate it to. A few persons in Boston,\* and in other large maritime towns, were designated by the agents of the East India Company to receive and vend the article in America.

This insidious plan produced a great excitement in the province;† more especially in the metropolis, where the tea was expected to be landed. No measure of administration, not even the Stamp Act, or the appointment of commissioners of the revenue to reside in the province, had created more alarm. They had hitherto declined importing it; but now it was to be forced into the province; and it was feared many would be induced to purchase and use it. The inquiry, therefore, with the vigilant patriots in Boston, was, how to counteract the mischiefs intended.‡ Before the vessels arrived with it, a Town Meeting was called to devise measures to prevent

\* In Boston, four persons were appointed for this purpose; two of whom were sons of Governor Hutchinson.

† A gentleman belonging to Boston (Hon. W. Phillips, now Lieut. Governor) then in London, on being asked his opinion as to the probable success of this plan, expressly declared, that he considered it an *insidious* measure, which would be very unpopular in the province; and advised one of the persons who was appointed a consignee, not to accept the appointment, as the people would probably devise some method to prevent its landing.

‡ Much was written in the papers, which shewed the unusual degree of indignation this measure produced. One writer used this extravagant language—"Whoever shall purchase and use this article, will drink political damnation to themselves."

the landing and sale within the province.\* The agreement, not to use tea, while a duty was imposed, was now solemnly renewed; and a committee was chosen to request the consignees of the East India Company neither to sell nor unlade the tea, which should be brought into the harbour. They communicated the wishes of the town to the merchants, who were to have the custody and sale of the tea: But they declined making any such promise, as they had received no orders or directions on the subject. They might, however, have given assurances, that they would not take charge of the tea, on its arrival, nor attempt to sell it in the province. This was all the citizens requested. But the consignees expected it would be a very lucrative business, and did not intend, except in case of danger or threats, to decline it. They, therefore, applied to the Governor for protection in receiving and selling the tea, whenever it should arrive. The Governor summoned a Council, and requested their advice in the affair; who gave an opinion, that they had no particular duty to perform on the occasion; that the civil magistrates had sufficient authority to suppress any riots or tumults which might arise: At the same time, they observed, that the people in the province were grievously oppressed by the enactment of unconstitutional laws, and the attempts to execute them; that they had, therefore, great reason to complain; and that all the uneasiness discovered, was to be attributed to arbitrary and severe measures which had been pressing upon them for several years.† The Governor was not satisfied with this opinion; and intimated that he expected their recommendation for having a military force in readiness

\* In Philadelphia and some other places, similar methods were adopted to prevent the landing of this article.

† The Council were unanimous in this opinion and advice. A report on the subject was prepared by J. Bowdoin, S. Dexter and Professor Winthrop.

to protect the consignees, and the property committed to their care and management. And he actually issued orders to Mr. HANCOCK, then the first officer in the Independent Company of Cadets, to have that corps in preparation, to be called out at the shortest notice. He probably anticipated some opposition to the landing of the tea, and was determined to suppress it by the military arm.

Another meeting of the town was soon after called on the subject, when it was resolved, "that the duty imposed by Parliament on tea, landed in the province, was a tax on the people, and a levying of contributions without their consent; that the object for which the tax was levied, being the support of government, under the direction of the British ministry, had a direct tendency to render the Legislative Assemblies useless, and to introduce an arbitrary government in the province; that a virtuous and steady opposition to this ministerial plan of governing America, was necessary to preserve their liberties, and a duty which every man owed to his country, to himself and to posterity; that the resolution of the East India Company to send their tea to America, subject to the payment of duties on being landed, was an open attempt to enforce the plan of ministers, and a direct attack on the liberties of America: And that whoever should countenance this attempt, or receive or vend the tea sent here, while subject to a duty, was an enemy to the country."

After passing these resolutions, the Selectmen, with J. HANCOCK, the moderator, H. INCHES, J. MASON and B. AUSTIN were appointed a committee, again to request the consignees, in the name of the town, to give quiet to the minds of the people, by engaging to have no concern in vending or receiving the cargoes of tea, then daily expected. An evasive answer was given to this request; which was voted to be, not only unsatisfactory, but *affrontive*.



On the arrival of the vessels with the tea, in the harbour of Boston, another meeting of the citizens was immediately called.\* ‘The hour of destruction,’ it was said, ‘or of manly opposition, had now come:’ And all who were friends to the country were invited to attend, “to make an united and successful resistance to this last and worst measure of administration.” A great number of people assembled, from the adjoining towns as well as from the capital, in the celebrated Faneuil Hall, the usual place of meeting on such occasions; but was soon adjourned to one of the largest churches in town.† Here it was voted, as at a meeting before the tea arrived, that they would use all lawful means to prevent its being landed; and to have it returned immediately to England. The consignees became alarmed, and authorized their friends to state to the meeting, that they would *advise*, that the tea be sent back. But this was not sufficient to satisfy the people. They could only be tranquilized by a positive promise, that the tea should not be landed. And to give the factors time to decide, the meeting was adjourned to the afternoon; when the owner of the vessel, which had the tea on board, was present, and said he should protest against their proceedings. It was, then, voted, that he be desired not to enter the tea at the custom-house, and that he would do it at his peril. An order was also passed for a watch of twenty-five men, for the security of the vessel and cargo. But it is doubtful, whether the real object was to prevent the unlading of the ship by the consignees, or to protect the tea from the violence of the enraged populace. Determined as the majority of the citizens were against the landing of the tea,

\* The two last meetings were attended by citizens from the distance of twenty miles: for a very general indignation was excited by this attempt of administration to raise a revenue in the province. S. P. Savage, Esq. of Weston, was chosen moderator of the meeting.

† The old South Meeting House.

they were also desirous of removing all occasion for tumult and riot. For the ministerial agents were not averse from provoking the people to some irregular acts, that they might have an apology for advising to more severe measures. And the Governor, pretending that there was danger of riots, called on the civil magistrates to aid in preserving the peace. The citizens perceived his object, and voted, that, in their opinion, there was no disposition in the people to disturb the public tranquillity, or to oppose lawful authority. It was, certainly, their intention to prevail with the consignees, and the owner of the vessel to order the return of the tea, without a resort to violence or force. And their prudence and patience were fully displayed, in again adjourning the meeting, and waiting for the determination of the consignees. On the following day, when the citizens assembled to receive the final answer of the factors, as to the course they would pursue, in disposing of the tea, the sheriff appeared, and informed the meeting, that he had a proclamation from the Governor, which he was directed to read to them. It was then voted, that the proclamation be read. It declared these meetings to be unlawful, and required the people to disperse. But the citizens, believing the meeting to be regular, as well as necessary to the attainment of the object they had in view, resolved not to separate. And the owner of the ship was again urged to engage that she should not be unloaded; but that he would immediately apply for the necessary papers from the custom house, and order her to leave the harbour on her return to London. He promised compliance; protesting, however, that it was contrary to his own judgment: and that he should do it only from necessity, as it appeared to be the determination of the town, that the tea should not be landed. Mean time, the agents of the East India Company made a communication to the meeting, in which they

informed them, that they must decline sending back the tea ; but were ready to have it stored, and remain until they could hear from the company in England. The citizens continued dissatisfied with the conduct and proposal of the consignees ; and again ordered a watch to guard the vessels.\* It was also again voted, that whoever should import tea into the province, should be considered an enemy to the country ; that they were determined to prevent the landing and sale thereof, and to cause it to be returned ; and that it was their resolution to carry these votes into effect at the risk of their lives and property. The people belonging to the country towns were likewise requested to afford their assistance to their friends in the capital, on notice, given for the purpose. It is uncertain, what the inhabitants of Boston expected, as an inducement to this resolution. There were British troops, however, then stationed at the Castle, and a ship of war in the harbor ; and it might be justly apprehended, that the military would be called upon to aid in landing the tea ; which they determined to prevent, peaceably, if possible : And yet, in execution of their purpose, they were prepared for any event, which might occur.

This state of things continued several days, and the public feelings became greatly irritated. The consignees refused to return the tea ; and fearing the vengeance of an injured people, retired to the Castle. The owner of the ship, which brought the tea, was unable to obtain a pass for her sailing, as the officer was in the interest of the British Ministers. Application was then made to the Governor, to order that a pass be given for the vessel ; but he declined interfering in the affair.

When the resolute spirit of the people was perceived ; though, obstinate and unaccommodating as was the conduct of the consignees, we are rather

\* One or two other vessels were then hourly expected with cargoes of tea.

to wonder at their long forbearance ; the more intelligent felt it a duty to state the important consequences of their proceedings at this critical juncture. All believed the meetings to be lawful ; and agreed in urgent applications to the consignees and the owner of the vessel, to send back the cargoes of tea. But they were aware of the high resentment of the British government, should the people proceed to acts of violence, and destroy the property of the East India Company ; which they appeared prepared to do, provided the vessels\* were not soon ordered to return. It was the part of wisdom to look at the probable consequences of their intended conduct. The spirit and firmness of the people were not disapproved. But they were warned of the eventful crisis ; and admonished to prepare themselves for the censure of administration in England.

One of the citizens,† equally distinguished as a statesman and a patriot, addressed the meeting with unusual warmth and solemnity. He seemed deeply impressed with a sense of the serious consequences of their proceedings on this interesting occasion. The spirit then displayed and the sentiments then avowed, he warned them, should be such as they would be ready to approve and maintain, at any future day. For, to retreat from the ground they should then take, would bring disgrace on themselves and ruin on the country. It was his patriotic purpose to fortify the resolution of the more discreet, and to allay the ferment of the rash and inconsiderate. But a portion of the people were already prepared for action. And though the scene, which followed, on that memorable evening, cannot be justified under a government of laws, where relief from oppression may be regularly obtained, the friends of liberty will find some palliation for a deed of necessary violence, when there was

\* Two other vessels had now arrived with cargoes of tea.

† Josiah Quincy, Esq.

no hope of justice from an arbitrary government ; especially, when it is recollected, that no personal insult was offered to any one, and no depredations were committed on the property of those, who were the innocent agents in transporting the tea into the province.\* When it was found nothing could be effected in a regular way, the meeting was broken up ; and a number of men in disguise proceeded, late in the evening, to the vessels, then lying at the wharf, which had the tea on board : And in a short time, every chest was taken out, and the contents thrown into the sea ; but no injury was done to any other part of the cargoes.†

The ardent and patriotic feelings, excited on this occasion, were not confined to the citizens of Boston. Meetings were holden in most of the towns in the vicinity,‡ and resolutions adopted, approving of the spirited conduct of their brethren in the metropolis, and pledging their lives to assist in support of their violated rights. It was not, that they fully justified the act of violence in destroying the tea ; for this was not committed by the vote or consent of the town : But was a plan concerted by a few individuals in secret ; who finding, that the repeated application of the citizens for the return of the tea was unavailing, had resolved to take the law into their own hands, and to render abortive an insidious measure of the

\* The inhabitants of the town, generally, had no knowledge of the event, until the next day. It is supposed, the number of those concerned in the affair was about fifty : But who they were has been only a matter of conjecture to the present day. Some of them are believed to be now living.

† Mr. Rotch was owner of the first and largest vessel, which brought the tea to Boston, at this time : But his conduct was entirely unexceptionable in the affair ; while that of the agents was condemned with great severity. The newspapers published at that period, give full proof of the resentment and indignation of the people. There were then *five* different papers printed weekly in Boston ; and all but one edited by men most decidedly attached to the cause of liberty.

‡ Salem and Lynn were very decided, in reprobating this artful plan of ministers to introduce tea into the province, and thus to raise a revenue, contrary to the sentiments of a vast majority of the people.



enemies of America. Yet, those who did not justify this irregular transaction, perceived in it chiefly the evils of tyranny and oppression ; and were the more confirmed in their opposition to the arbitrary conduct of administration. The resolutions passed by the people in the country towns breathed a noble and elevated spirit of freedom, which gave proof that their liberties could not be wrested from them without a mighty struggle. It was evident they understood their rights, and were prepared to endure the severest privations, rather than submit to further encroachments. The various plans of ministers to deprive them of their ancient privileges, and the want of success, on past occasions, in their efforts for redress, did not discourage them. They were determined to persevere ; and intended, perhaps, to convince their cruel oppressors that a force was necessary to enslave them, which the British nation would not be willing to maintain.

From this period, probably, the British administration contemplated the necessity of a military force to support their arbitrary system, and to carry into full execution the oppressive laws, which they saw a resolution in the province to oppose or evade. Some individuals in the cabinet, of the greatest influence, appeared determined to try the experiment in America, to what extent arbitrary principles of government would be endured by any portion of British subjects. Whether it was their ultimate object, as some imagined, to practice upon such principles in England, would be difficult to decide. Subsequent events will shew, that a resolution was taken by administration in England to reduce the American colonies to a most humiliating condition, either by intrigue or by force. It was proposed, soon after this time, to alter the charter of Massachusetts, by having a Council appointed by the King ; who, together with the Governor, would be wholly subservient to the views of the British Ministry ; and probably, to dispense with

a House of Representatives, as in the time of ANDROS, in 1686 ; and to augment the military, that it might keep down all opposition and complaint among the people. The more discerning patriots in Massachusetts were certainly apprehensive of such a disastrous event.\* They perceived the arm of despotism stretched out towards America ; and had already proof enough, that there was a disposition to strike a blow, which would require all their strength to avert or sustain. They were far from wishing, even now, a separation from Great Britain ; and they had still a hope, that an administration would be formed more willing to listen to their complaints, and ready to admit their claims to equal rights with their fellow subjects in England.

In his speech to the General Assembly, at the beginning of the session in January, 1774, the Governor gave notice of an order of his Majesty, by which the opinion and determination of the majority of Council, as a Supreme Court of Probate and as a Court for deciding in cases of marriage and divorce, should be valid and decisive, although the Governor should differ in sentiment from them. Judicial proceedings in these cases, which was then had before the Governor and Council, had often been impeded, because the Governor insisted, that his consent was necessary, and that the opinion of a major part of Council, without it, was not sufficient to settle any question before them. He was now directed by the King and the privy Council to acquiesce in the decision of a majority of the Board, notwithstanding his own opinion might be different. He spoke of this as a new proof of his Majesty's regard for the interest and convenience of the people, although it was a restriction of his own power, of which he was known to be very tenacious. He was also directed, he said, to signify

\* J. Hawley, Esq. a distinguished and most useful patriot, declared, at this time, 'That it was his opinion, if the people in America would maintain their rights, they must fight for them.'

to the Assembly, that the King disapproved of the appointment of committees of correspondence, which met and acted during the recess of the General Court. In the answer of the House, with respect to the latter subject, they observed, "That while the common rights of the American subjects continue to be attacked in various ways, and at times when the Assemblies are not sitting, it was highly necessary they should correspond with each other, in order to unite in the most effectual means for obtaining redress of their grievances. And as the sitting of the General Assemblies in this and most of the colonies depends on the pleasure of the Governors, who hold themselves under the direction of administration, it is to be expected that the meeting of the Assemblies will be so ordered, as that the intention proposed by a correspondence between them will be impracticable, but by committees to sit and act in the recess : That as it has been the practice for the Governor of this province and other officers of the crown, at all times, to correspond with ministers of state and persons of influence in the nation, in order to concert and execute measures which were deemed by the colonies to be grievous to them, it cannot be thought unreasonable or improper for the colonists to correspond with their agents, as well as with each other ; to the end, that their grievances may be so explained to his Majesty, as that in his justice he may afford them necessary relief : That, as the province has, heretofore, felt the great misfortune of the displeasure of our Sovereign, by means of misrepresentations, so there is reason to apprehend that his Majesty has been lately misinformed ; and that there are good grounds to suspect, that those who may have misinformed him have had in meditation further measures destructive to the colonies, which they were apprehensive would be defeated by means of committees of correspondence, sitting and acting in the recess of the several Assemblies."

A great portion of this session of the Legislature was occupied in debates and resolves respecting the Judges of the Superior Court, on account of their receiving salaries from the crown. This subject had given much uneasiness the year preceding: And most of the towns in the province expressed an opinion of the great danger to the liberties of the people from such a measure. At the session, in June, 1773, a resolution was adopted by the House of Representatives, declaring it to be the duty of the Judges, explicitly to say, whether they would receive support from the province, or accept it of the crown; and that it would be the duty of the Representatives, in the latter case, to impeach them before the Governor and Council, as being unfit to hold the high office they sustained. This resolve was passed on the last day of the Court, so that the Judges had no time to make known their determination to the Assembly. At an early day of the present session, Judge TROWBRIDGE addressed a note to the House; in which he stated, that he had received his whole salary from the treasury of the province; that he intended still to receive the grants of the General Court, and to accept of none from the crown, for his services as a Judge of the Court. This was perfectly satisfactory to the House: But from the other Judges, no communication was received. On the seventh day of the session, it was voted, that, unless the other Justices should declare to the House, within six days, they would accept the grants of the General Assembly for their services, and would receive none from the crown, further and decisive measures would be had on the subject. Letters were received, within the time limited, from Justices ROPES, HUTCHINSON\* and CUSHING, in which they declared their determination to receive their salaries from the province, and not from the

\* The first letter of Mr. Hutchinson did not give full satisfaction; and he immediately sent another.



King. Their declarations were also voted to be acceptable. Mr. OLIVER, the Chief Justice, stated, "that he had received his Majesty's grant for a year and an half past; and, as to any future grant from the King, that he dare not refuse it, without his Majesty's leave, lest he should incur a censure from the best of Sovereigns." It was then unanimously voted, by the House, that the reasons given by Mr. OLIVER were not satisfactory, and could not justify his determination. And a few days after, it was resolved,\* "that, as he had, contrary to the usage and custom of the Justices of the Court, and contrary to the plain sense and meaning of the charter, and against the known constitution of the province, accepted a salary and reward granted by the King; and had also plainly given the House to understand, it was his resolution in future to accept such salary and reward granted by his Majesty: And that, as it appeared he had received said salary and reward out of the revenue unjustly and unconstitutionally levied and extorted from the people in the colonies; and had so done, against the known sense of the people of the province, he had, by such conduct, proved himself an enemy to the constitution of the province; that he had done what tended obviously and directly to the perversion of law and justice, and had become justly obnoxious to the good people of the province: That he had thus rendered himself totally unfit to hold and act in the office of a Justice of the Court, and ought to be removed therefrom: And that they would remonstrate to the Governor and Council, praying that he be removed from his office without delay." A remonstrance and petition were prepared accordingly, and presented to the Governor and Council. But the Governor declined acting upon it: And the Council had not an opportunity to express their opinion; for it was not communicated to them; the Governor contending

\* Ninety-six, to nine.



that they were only to advise in the case, when the subject should be laid before them, by himself, for that purpose; and that it was with him to decide, whether their opinion was to be given or not. He objected also to the power of the Governor and Council to remove Mr. OLIVER from office; and observed, that, in his opinion, such an authority was vested only in the King. The House then sent a message to the Council, informing the Board of their proceedings, and requesting their determination thereon. They also again addressed the Governor, and prayed that he would take the opinion and advice of the Council. As no steps were taken by his Excellency on the subject, the two Houses passed a resolve to adjourn the Superior Court, which was to sit the following week in Boston, to a distant day, in order to prevent Mr. OLIVER from officiating as a Judge. Another message was sent from the Governor to the House, in which he insisted on his right to judge of the propriety of submitting the matter to the Council; and declared, that he feared the displeasure of his royal master, if he should be, in any way, instrumental in the removal of Judge OLIVER on account of the charges brought against him by the House. The House then\* voted to impeach the Chief Justice of high crimes and misdemeanors, in their own name, and that of all the people of the province.

It may be proper to state the reasons and arguments suggested, as the grounds of this impeachment, which were as follows: "That the subjects in the province were entitled to all the liberties and immunities of free and natural subjects within any of the dominions or the realm of England; that the General Assembly of the province, established by charter, had power to erect and constitute judicatories for hearing and trying all manner of crimes; that the Assembly had authority, by charter, to impose and

\* Ninety-two votes to eight.

levy reasonable taxes upon the estates of the inhabitants, for the support of his Majesty's government in the province, to the intent that the inhabitants of the province might enjoy the essential privilege of the English constitution, that of supporting the officers of government by *the free grants of the people*; that many evil minded persons had combined to introduce another form of government, and a new mode of supporting the officers thereof; for which purpose, they had procured a revenue system to be adopted and executed; by which the Judges of the Court, among others, were to be supported; and thus alienated from all connexion with the people of the province, and indebted to the crown for grants for their services; by means whereof they would become subject to the influence of his Majesty's ministers, in all matters relating to the distribution of justice in the province: And that the Chief Justice had received the grants of the King, as a compensation for his services in his said office, and was determined to receive his support in the same manner in future, contrary to the sense of the people, and of their Representatives, fully and repeatedly declared."

The same day the vote was adopted to impeach the Chief Justice, and a committee was appointed to wait on the Governor and give him notice of the same, with a request that he would order a time for the articles of impeachment to be presented in Council, he addressed a note to the House, informing them of his having the royal consent to visit England, of which he intended to avail himself with all convenient dispatch. And the day following, he replied to the application of the House to receive and act on the articles of impeachment; and observed, "that he knew of no species of high crimes and misdemeanors, nor any offence against the laws, committed within the province, which was not cognizable by some judicatory; and that he did not

know whether the Governor and Council had concurrent jurisdiction with any judicatory in criminal cases, or any authority to try and determine any species of high crimes and misdemeanors whatever; and, therefore, that he could shew no countenance to the present process." It was, however, immediately ordered, by the House, that a committee go up to the Council Board, and there impeach PETER OLIVER, Chief Justice of the Superior Court, of high crimes and misdemeanors, and pray the Governor and Council to appoint a time for hearing the same. The committee proceeded, accordingly, to the Council Room, and there, before the Governor and Council, did impeach Mr. OLIVER; and read the articles before prepared; and laid them before the Honorable Board, and requested that a day be fixed for determining thereon.

No order being taken on these articles of impeachment, by the Governor and Council, after several days, the House resolved to prepare a memorial and complaint in a different form from the former; which were, thereupon, drawn up and laid before the Governor and the Honorable Board; and in which they prayed, that the Chief Justice might be called upon to answer to the charges exhibited against him. But the Governor refused to sustain the complaint, in any form; and no examination or decision was had on the subject, before the Council. An able and spirited remonstrance, however, was prepared by the House, and presented to the Governor, on the improper and arbitrary course he had pursued; in which they insisted on the competency of the Governor and Council to hear and decide on the charges preferred in such a case; especially as they had the appointment of the Judges, and there was clearly no other Body in the province that might justly exercise such authority; that, if there was no authority to remove Judges and others from office for misconduct, for neglect of duty, perversion of justice,

or disregard to the constitution and the charter, the province was in a most deplorable state; and there was no remedy for the prevention of the greatest corruption and injustice. In voting a compensation to the Judges of the Superior Court, and other officers of government, a few days after, no grant was made to the Chief Justice.

On the 8th of March, governor HUTCHINSON sent his last public message to the General Court, in which he discovered the same disposition to criminate and reproach, as in his other communications for several years before. "Their votes and resolves," he said, "struck directly at the honor and authority of the King and Parliament; and he could not neglect bearing public testimony against them, and making use of the power vested in him, to prevent them from proceeding any further in the same way." He then immediately ordered the Assembly to be prorogued, although the usual request had not been made to him by the two Houses, and much important business was before them, unfinished.

The Council had also addressed the Governor on this subject, and prayed him to order a hearing of the complaint against the Chief Justice, agreeably to the petition of the House. On his intimating to them his purpose soon to prorogue the Assembly, that he might prepare for his voyage to England, they observed, that it would be to the great detriment of the people, as much public business remained to be transacted; and, therefore, in their opinion, injurious to his Majesty's service, which he professed to be desirous of promoting. The Governor replied to the Council, that he considered he had the sole authority and right to decide, whether the subject was to be submitted to them; that they were not a Court proper to try officers of the government, charged as the Chief Justice was; that they were only to give an opinion to the Governor, when

so requested; and that he knew of no tribunal in the province, competent to receive and act on articles of impeachment against judicial officers. In an able and learned answer to the Governor, the Council insisted, that it was altogether arbitrary in him to judge in the case without consulting them; and quoted the clause from the charter, in which it was declared, "that the Governor and Council, or a major part of them, should have the ordering and direction of the affairs of the province." They said that there was no other tribunal in the province for trying public officers charged with malconduct; and argued, that, as these officers were appointed by the Governor and Council, so they had a just and constitutional right to try and remove them. They also considered themselves treated with indignity, they said, in their official capacities; and felt it a duty they owed to their constituents, to remonstrate against this arbitrary conduct of the Governor.

When the House perceived, that the Governor was determined not to permit a hearing and trial in the case of the Chief Justice, and that he was about to prorogue the Assembly, they adopted a resolution, "declaring that they had done all in their power to effect the removal of Mr. OLIVER; and that, in their opinion, the Governor had refused the trial, because he also received his support from the crown, independent of the Legislative Assembly of the province."

In May following, governor HUTCHINSON embarked for England; having borne a principal part in introducing arbitrary power into the province, by which the people had been deprived of ancient, charter rights; and driven, in self-defence, to the very verge of rebellion. His ambition and his servile devotion to the British administration, had produced great uneasiness and distress among the citizens, whom he ought to have protected and served. And he found the indignation he had provoked, ready to



burst in vengeance on himself and others, who were the selfish agents in the oppressions heaped upon the people.

Mr. HUTCHINSON was, indeed, too ready an instrument, in the hands of an arbitrary ministry, to undermine the liberties of the province. His political opinions had undergone a great change within ten years; and he had become an apologist for an arbitrary policy, which he formerly condemned. But had he been more attached to the rights of the people, and firm in supporting them, he would probably have been superseded; and a Governor sent from England, who would have been equally subservient to the views of administration. They were determined to govern America by prerogative or by force; and would easily have found an agent fitted to their purpose.

Lord DARTMOUTH, who was favorably disposed towards the colonies, proposed to place Mr. POWNALL again at the head of the government in Massachusetts, with a view to conciliate and quiet the people: For this statesman had repeatedly, in the course of the year 1773, declared himself in favor of a milder policy in relation to America. But when the intelligence of the destruction of the tea reached Great Britain, and the determined spirit manifested in the colonies, in opposition to all revenue laws, was made known to ministers, a majority at once resolved on more energetic measures; and found themselves supported by Parliament in their plans of coercion, regardless alike of the great principles of the constitution, and of the permanent peace and prosperity of the kingdom.\*

There were now, indeed, as on former occasions, some distinguished statesmen in England, who opposed the plans of administration to take away the rights and privileges of the people secured by the

\* Lord North declared, "that he would not listen to any complaints, or petitions from America, till she was at his feet."

charter, and to send a military force into the province to assist in the execution of most oppressive and unjust measures. They hesitated not to express their fears for the fate of liberty in their own country, if ministers should succeed in establishing tyranny in America. When the bills were before Parliament for blockading the harbour of Boston, and to punish the citizens by prohibiting all commercial intercourse; to alter the charter of the province so as to give the appointment of Counsellors to the King; to authorize the Governor alone to appoint all judicial and civil officers; to subject those accused of opposition to government to be transported to England for trial; and to place a large military force in the province; several members opposed their adoption with great eloquence and zeal. BURKE said, "it was only oppressive and unjust laws, which the people had opposed; that it was most unreasonable to condemn them without a hearing; and that constitutional principles were not to be settled by the military arm." POWNALL declared, "it was no longer a matter of opinion with the citizens of Massachusetts; things had come to action; that the Americans would resist all attempts to coerce them, and were prepared to do it; and if there should be a rebellion in that province, the question would be, who caused it?" Others insisted, that the charter was a solemn contract, which neither the King nor Parliament could justly annul or alter, without consent of the subjects in Massachusetts, unless they had forfeited their rights by an infraction of its provisions. Lord CHATHAM also opposed these plans of administration with all his former energy and spirit; although at this time, he was in such a debilitated state, that he seldom took part in the debates in Parliament. He declared himself most decidedly in favor of conciliatory measures; for he was of opinion, that the province had been oppressed, and the liberties of the subjects therein most flagrantly violated. He believed,

that just measures on the part of ministers would quiet the colonies, and restore harmony between them and the parent state. He denounced the proposed system as unconstitutional and tyrannical; and predicted that the people of Massachusetts would never submit to such palpable and repeated violations of their political rights.\*

It was not surprising that these special references should have been made to Massachusetts, in speaking of the British Colonies in America. For the various oppressive and arbitrary acts of Parliament had particular relation to this province. Ministers considered the subjects in this colony, whether justly or not, the most refractory, and the greatest opposers of ministerial measures; and it became their chief object to subdue or silence them. It was also the policy of the British Ministry at this time, to prevent, if possible, an union of sentiment and action among the several colonies. Besides, such was the power of Britain, that, in the opinion of many, it was little short of madness, to think of open resistance; nor did many yet believe it would be necessary for the maintenance of

\* Col. Barre also made an able apology for the conduct of Massachusetts and the colonies, on this occasion. He referred to the wanton act committed by Captain Preston and his soldiers, in firing on the citizens of Boston, to the fair and impartial trial they had in the province, as proof of the moderation and orderly conduct of the people; to their forbearance and patience when Mr. Otis was assaulted and beaten in the streets by a commissioner of the customs and a military officer.—“Yet the noble Lord [North] says,” he added, “That we must shew the Americans we will no longer sit quiet under their insults. Sir, I am sorry to say, that this is *declamation*, unbecoming the character and place of him who utters it. In what manner have you been quiet? Has not government, for many years, adopted a series of irritating and offensive measures, without policy, principle, or moderation? Have not your troops and your ships made a vain and insulting parade in their streets and harbors? It has seemed to be your study to irritate and inflame them. You have stimulated discontent into disaffection; and you have goaded that disaffection into rebellion. Can you expect to be well informed, when you listen only to partizans? Can you expect to do justice, when you will not hear the accused?” He bore testimony to the loyalty of the people of New-England, with whom he had served in the late campaigns. And both he and Mr. Pownall declared, “that Americans always had been ready and always would be ready to render service and obedience to England, if justly treated.”

their ancient freedom. A change of measures in the British government was still the hope and belief of a considerable portion of the people.

In the month of March, the Boston port bill, so oppressive to the inhabitants of the metropolis and so repugnant to the liberties of the whole province, having been hurried through both houses of Parliament, without suffering the agents from Massachusetts to be heard, received the royal assent. Several regiments of British troops and a large naval force were soon after ordered for Boston. The first day of June was fixed for the act to blockade the port, to go into operation. Those for the selection of Counsellors by the King and his Ministers, and for authorising the Governor to appoint Judges, Magistrates, and other civil officers within the province, were expected soon to take effect.\* It was even provided in the act for the better regulation of the government of Massachusetts, that Jurors should be returned by the Sheriffs, instead of their being drawn by lot by the Selectmen in the several towns, according to immemorial usage.

It was generally believed, that Governor HUTCHINSON advised to these very severe and arbitrary measures.† There is however, no evidence, that he recommended these particular acts; and yet there cannot be a doubt, that they were adopted in consequence of his representations, at different times, of the weakness of government in the province; of the predominancy of democratic principles; and of the necessity of abridging the liberties of the people. But the pretended dignity of the British government and the pride of ministers were now engaged in the controversy; and all concessions to the province, by repealing the revenue acts, or overlooking the violent

\* They were passed in May, and were to be in force after the first of August.

† Judge Marshall says, Governor Hutchinson was in England in March, 1774, advising to these acts. But he did not leave Massachusetts till the last of May.

and forcible destruction of the tea, were condemned as humiliating and impolitic.

As might justly be expected, these measures of Parliament produced a great excitement in the capital, and through the province. It was believed, that nothing but unconditional submission to the unjust claims of the parent state would place Massachusetts within the influence of ministerial favor. But attached as they were to their King and to their brethren in England, and desirous as they were of continuing a part of the Empire, they were not prepared to sacrifice their civil and political rights to retain such a connexion. They believed they would be unworthy the name of Englishmen, and chargable with a base abandonment of the liberties and welfare of posterity, if they did not oppose such unconstitutional measures.

In May 1774, a plan was formed by individuals for frequent and stated communications between the several colonies. Dr. FRANKLIN, who had been Deputy Post Master General for America, under the British Government, was removed from the office early in this year, in consequence of his fidelity as an agent for Massachusetts;\* and no one was appointed to succeed him in that department. Some patriotic citizens in Massachusetts and several of the other colonies immediately adopted means for conveying intelligence through various parts of the continent; which was found to be very useful at that critical period, when the views and proceedings of one part of America were important to be early known in others.

The inhabitants of Boston were called together, on the 13th of May, to consider the act of Parliament for shutting up the port and harbor. It was voted to make application to the other colonies to refuse all importations from Great Britain, and to withhold all commercial intercourse with her, as the most probable and effectual means to procure the repeal of the

\* Under his prudent management, it yielded a considerable net income to the crown.



late oppressive laws, especially that for blockading their port. And one of the citizens\* was dispatched to New York and Philadelphia for the purpose of ascertaining the views of the people in those cities in the present crisis ; and to give assurances of the determination of the inhabitants in Boston and vicinity to continue their opposition to the arbitrary measures of the British ministry. He was received with great cordiality ; and found a most enthusiastic disposition prevailing in those places, favorable to liberty. From Philadelphia, messengers were sent to Maryland and Virginia, to communicate the proceedings and the feelings of the people here. And the same generous and noble spirit was discovered in these colonies ; resolutions were immediately adopted for the relief of the inhabitants of Boston, and for supporting them in their patriotic purpose of non-intercourse, and of defending, in every lawful way, the liberties of the country. A distinguished citizen of Philadelphia† was soon after deputed to visit Boston, to make known more fully the patriotic sentiments of that populous and respectable city. These mutual communications had a happy effect ; and served, probably, to bring about the plan, soon after adopted, of a congress, to be composed of committees or delegates from all the colonies on the continent.

At the same meeting, O. WENDELL, I. SMITH, and W. POWELL were chosen a committee to visit Salem and Marblehead ; to consult for the welfare of the capital in its embarrassed and distressed situation. The inhabitants of those towns received the communication with a generous sympathy and a patriotic zeal, which did them great honor : And when, afterwards, the Boston port bill took effect, they rendered the people of the metropolis every facility in their power ; and were very liberal in contributions for their relief. In June, when the act was in force, the citizens of Marblehead voted to accommodate the

\* P. Revere, Esq.

† Mr. Wm. Bradford.

merchants and traders in Boston with wharfage and storage free of expence. Newburyport was alike generous in donations ; and patriotic in its resolutions to afford support to the Bostonians ; who, they considered, were suffering in the common cause, and as deserving more commendation, in proportion to the peculiar resentment pointed against them by a tyrannical government.

A large committee, consisting of S. ADAMS, J. ROWE, W. PHILLIPS, Dr. WARREN, J. ADAMS, J. QUINCY, H. INCHES and others,\* was appointed at the meeting in Boston, already mentioned, to consider and report what was proper and necessary to be done, for the preservation of the liberties of the people, and to provide for the difficulties which were likely immediately to ensue, under the operation of the act for prohibiting all trade to and from Boston, which was to be in force from the first of June. After having, at the first meeting, as has been related, resolved to request the sea ports in the province, and the large commercial places in the southern colonies, to unite against all importations from Great Britain, the General Court having also soon after convened, who it was hoped and presumed, would devise measures for general relief and defence ; there was little left for this committee to propose ; nor does it appear that they ever reported any particular system of measures. But at another meeting in June, which appears to have been an adjournment of the former, it was voted to recommend to all classes of citizens to subscribe ‘a solemn league and covenant,’ by which they promised to use no foreign articles, or goods imported from England, until the bill for blockading the port and harbor of Boston was repealed ; and to write again to the southern commercial towns and cities, desiring them to see their former agreements for the same

\* In the public papers of that day, it is said, “ Mr. Hancock is confined to his house, by sickness ; which is greatly regreted.”

purpose, strictly executed.\* Many expected that this agreement would soon so affect the manufacturing interests in England, that ministers would be induced to relax in their severe policy. It would only remain for them, some observed, if they adhered to this engagement, “to sit still, and see the salvation of the Lord.” And governor GAGE was so opposed to the plan, from intimations given him, no doubt, by the British ministry, that he issued a proclamation, forbidding people to subscribe the agreement; and threatening those “who should dare to do it, with transportation to England for trial, as guilty of treason.” This arbitrary threat, however, had no effect on the opinion or conduct of the people: And they very generally came into the agreement. It was the only measure they could legally adopt to shew their resentment against administration. They were ready to submit to the greatest privations, for the security of their rights, and to produce a change in the policy and measures of the British administration. For ministers were, at this period, as on some former occasions, vacillating in their conduct towards America; and in Parliament, very opposite opinions were entertained as to the proper policy to be pursued. Lord NORTH declared he would not listen to any remonstrance or petition, until America should cease all opposition, and submit to the past requisitions of the British government. And many members of Parliament were for enforcing the laws within the province, although destructive of charter privileges, and inconsistent with the principles of the British constitution. Some even declared, that the charter of Massachusetts must be taken away; and that there was no hope of tranquility while the people had so much freedom. They were disposed to treat the inhabitants of the province, as altogether destitute of any inherent rights; and as holding all their

\* Great efforts were made in some places, to prevent the adoption of this plan; and it was reported, that it was disregarded by many.

privileges and every portion and degree of liberty wholly at the will of the King and Parliament. The minds of the people of Massachusetts were greatly agitated and alarmed by the doctrines advanced by the ministry in England, and by the measures already adopted. The conduct of Chief Justice OLIVER, in receiving his salary from the crown, gave great offence. At the Courts holden in the counties of Middlesex and Worcester, in the month of April, the grand jurors declined taking the usual oaths, or proceeding to business until they were assured, that the Chief Justice would not attend. They expressly declared to the other Judges, that, if he attended, they should not acknowledge the Court as a constitutional tribunal; being of opinion, that he could not justly be considered in office, in consequence of his accepting a stipend from England, and having been impeached by the Representatives of the people.

When to this and other previous causes of discontent, we add, the law passed by Parliament for shutting up the port and harbour of Boston, and others proposed for altering the charter, as to the manner of selecting counsellors, for giving power to the Governor *alone* to appoint all civil officers, for transporting any, charged with opposition to government, to Great Britain for trial, for screening murderers in certain cases (if agents of administration) from trial in the province, and for sending several additional regiments of regular troops to be stationed in the metropolis to overawe and govern the inhabitants, it is easy to believe that there was a spirit of alarm and apprehension, of anxiety and dismay, bordering almost on desperation.

## CHAPTER XIV.

General Gage appointed Governor, and arrives in Boston—Received with respect, but viewed as only a Military Commander—Adjourned the Court to Salem—Negatived many of the Council—Their spirited Address censured by the Governor—Firm and patriotic message of House—And objection to sitting in Salem—Delegates chosen to a General Congress—Season of anxiety and alarm—County Meetings and Conventions—Military discipline encouraged—Course of Justice impeded—Jurors decline acting—Mr. Hancock dismissed from Command of Cadets—Governor Gage collects military stores in Boston—Congress met at Salem—Adjourned to Concord—Chose a Committee of Safety—Committee for Military Supplies—Appointed General Officers—Address Governor Gage—And decide to adopt Measures of Defence.

IT was in this state of the province, that general GAGE, who had been several years commander in chief of the British military forces in America, arrived in Boston, to take upon him the office of chief magistrate, to which he was appointed by the King, on the recall of Mr. HUTCHINSON. He had been in the province, at several former periods. In October, 1768, he visited the capital, at the request of governor BERNARD and of the commissioners of the customs, to concert measures for their safety, and with a pretence of maintaining the tranquility of the province. His conduct, on that occasion, gave sufficient proof of his prejudices against the people of Massachusetts, and of his entire subserviency to the arbitrary views of the British administration. He,



then, represented to ministers in England, that there was no government in Boston; and that the civil authority needed the constant aid and support of the military. He also joined governor BERNARD and lieutenant governor HUTCHINSON, in censuring the Council, because they would not consent to the quartering of the troops in the town of Boston. It was perceived, also, by the more intelligent and judicious, that he was selected for the command, upon the idea that a large military force was to be placed in the province, to overawe and govern the people; for the control and subjection of whom, Mr. HUTCHINSON, with all his talents and intrigue, was not fully competent. And yet, strange as it may appear, many were pleased with the change: For they had suffered so much, and been so often deceived by governor HUTCHINSON, that they were ready to prefer any one to him. In a situation of great oppression, there is always a secret, though often groundless hope of melioration, in a change of rulers.

Governor GAGE was received by the Council, and by the citizens of Boston, with great ceremony, and with apparent respect. The Clergy and the gentlemen of the Bar, respectively, addressed him in a gratulatory style; and expressed a hope, that he would be instrumental in securing the liberty and welfare of the province. But it was soon evident, that his object and design were very far from effecting these salutary purposes; and that he was disposed to tread in the steps of his two immediate predecessors, in being a humble and servile agent of an administration, more arbitrary, perhaps, than had been in power in England for nearly one hundred years. At the opening of the Court on the last Wednesday of May, he gave the Representatives notice, that, in a few days, he should remove them to Salem; which, as it was inconvenient both to them and to the people to have the Assembly sitting in that place, instead of Boston, must have been

altogether an arbitrary act on his part, although he had discretionary orders for that purpose. He also gave his negative to thirteen of the Council chosen by the Representatives on that day. But a censure of this kind, under the circumstances of the times, and by such a character, renders them more deserving of grateful remembrance. They were J. BOWDOIN, S. DEXTER, J. WINTHROP, T. DANIELSON, B. AUSTIN, W. PHILLIPS, M. FARLEY, J. PRES-COTT, J. ADAMS, N. QUINCY, J. BOWERS, E. FREEMAN and J. FOSTER.

After the General Court had been in session one week, the Governor adjourned them to Salem, as he had intimated it was his purpose to do. The object of this measure was twofold: The first was to manifest ministerial resentment for the late conduct of the inhabitants of Boston: The other, to prevent the intelligent citizens of the capital from influencing the members of the Assembly. In the reply of the Council to the Governor's speech at the opening of the session, they expressed their hopes "that his administration would be a happy contrast to that of his two immediate predecessors." "It is irksome," they added, "to censure any one; but we are constrained to say, that there is great reason to apprehend, that, from their machinations, both in concert and apart, are derived the origin and progress of the dispute between Great Britain and the colonies, and the present distressed state of the province. We claim no more than the rights of Englishmen, without diminution or abridgement. These, as it is our indispensable duty, so it shall be our constant endeavor to maintain, to the utmost of our power; in perfect consistence, however, with the truest loyalty to the crown; the just prerogatives of which your Excellency will find this Board ever zealous to support. Permit us to express the firmest confidence, that, under their present grievances, the people of this province will not look in vain to your Excellency for

your paternal aid and assistance : And, as the great end of government is the good of the people, that your experience and abilities will be applied to that end.”\*

When the committee,† who presented this message to the Governor, had read as far as the clause, in which the Council censured the conduct of the two former Governors, he requested the chairman to proceed no farther ; and said he could not receive an address which reflected so highly on his predecessors. And afterwards sent them a written message, in which he observed, that the conduct of his predecessors had been approved by the King : And that he considered the address of the Council “an insult to his Majesty, and an affront to himself.” The House, in their answer to the Governor’s speech, congratulated him on his arrival ; and declared, “that they honored him in the exalted station he held in the province, and confided in him to make the known constitution and charter the rule of his administration.” It gave them much concern, they said, to learn, that he had directions to hold the General Court in any place out of the town of Boston ; not only as that was the ancient and usual place of its sitting ; but as it was very inconvenient, both for the people and their Representatives, to have it convened in any other town. “They trusted, however, in the impartiality and justice of his Excellency, that the true state of the province and the character of his Majesty’s subjects in it, their loyalty to their Sovereign and their affection for the parent country, as well as their invincible attachment to their just rights and liberties, would be laid before

\* This spirited address of the Council affords proof, that the members who were not negatived by the Governor, were zealous and faithful in the cause of freedom. Among them were the following gentlemen : S. Danforth, J. Erving, A. Ward, W. Sever, B. Greenleaf, S. Phillips, R. Derby, jr. and G. Leonard, jr.

† This committee was composed of W. Sever, W. Powell and J. Preble.

his Majesty; and that he would be the happy instrument of removing his Majesty's displeasure, and restoring harmony, which had been long interrupted by the artifices of interested and designing men."

The Representatives of the people at this critical juncture, did not shrink from the high and imperious duties, which devolved upon them, in defence of political freedom. They had been selected, under the belief, that a most important crisis was approaching.\* They adopted resolutions, recommending to the citizens of Boston, to be firm and patient; to the people through the province, to assist their brethren in the metropolis; and to all, to refrain entirely from the use of British goods, and of other foreign articles, subject to a duty; conceiving this to be a lawful and most efficient means of convincing the parent government of their opposition to recent oppressive measures, and of prevailing on ministers to relax in their arbitrary and severe conduct towards Massachusetts. They also requested the Governor to appoint a day for public religious worship and prayer. And as he declined doing it, they recommended the observance of a particular day for that solemn service, in imitation of their pious ancestors, who, on all occasions of public distress and danger, humbly sought to the Almighty for guidance and protection.

But the most important measure, adopted at this eventful period, and in preparing which a large committee was occupied the greater part of the session, was that of choosing five members of the House, as delegates to a general and continental Congress; and of giving immediate information thereof to all the other colonies, with a request, that they would appoint deputies for the same purpose. A

\* A gentleman of New York, in a letter dated last of June, 1774, says, "I am extremely well pleased with the spirit and glorious conduct of your General Court. They are a band of patriots, fit to be entrusted with the rights and liberties of the people. Their resolution and good sense would do them honor in any country under heaven."

measure of this kind had been already suggested both in Massachusetts and in several of the other colonies; but nothing definite or decisive had been done; nor had any committees or deputies been elected with this design. The patriots in this province were convinced, that the time had arrived for a more efficient and united stand, in defence of their rights. They did not even now, meditate an independency of Great Britain; much less did they, generally, suppose, that a resort to arms would be necessary to maintain their liberties. Yet they were resolved to shew the British ministry, that a determination prevailed through all the colonies, to oppose their arbitrary and oppressive plans of governing America; hoping, no doubt, for a new administration, whose views would be more conciliating and just. The preamble to the resolutions for choosing delegates to meet in a General Congress states, concisely, the reasons which induced the House to adopt this important measure. It is as follows: "This House, having duly considered, and being deeply affected with the unhappy differences, which have long subsisted, and are increasing between Great Britain and the American colonies, are of opinion, that a meeting of committees from the several colonies on this continent, is highly expedient and necessary, to consult upon the present state of the country, and the miseries to which we are and must be reduced by the operation of certain acts of Parliament; and to deliberate and determine upon wise and proper measures, to be by them recommended to all the colonies, for the recovery and establishment of our just rights and liberties, civil and religious; and the restoration of union and harmony between Great Britain and America, which is most ardently desired by all good men." And the resolution was adopted, by a vote of one hundred and sixteen to twelve. And the following distinguished citizens, whose talents and patriotism placed them high in



the esteem and confidence of the people, were then appointed: T. CUSHING, S. ADAMS, R. T. PAINE, J. BOWDOIN and J. ADAMS.

While the House were engaged in considering this measure, the Governor received notice of their design from one of the members, politically attached to him, and immediately directed that they be dissolved. But the door-keeper was ordered to admit no person into the House. Soon after, however, the Secretary proceeded, by his Excellency's command, to the door of the room in which the Representatives were sitting, and read a proclamation for dissolving the Assembly. And when the resolves were adopted respecting the delegates to Congress, and an order was passed for their compensation, the House separated.

In this measure, it was easy to perceive the commencement of a general and open opposition to the parent government; which, without a great change in the policy of the English Cabinet, or servile submission on the part of the colonies, through an apprehension of a more wretched condition under a powerful military force, would produce a struggle, to be determined only by superior physical power.

The bill "for better regulating the government of Massachusetts Bay," and "that for the more impartial administration of justice," which were proposed in the month of March, when the Boston Port Bill passed, were approved by the King in May; and intelligence thereof was received in the province in July. By one, the Governor alone was authorized to appoint all civil officers; and by the other, the Counsellors were to be selected by the King and his ministers in England. A list of those appointed was soon made known, and gave great dissatisfaction. Three of the number were P. OLIVER, F. HUTCHINSON and W. BROWN,\* Justices of the Superior

\* Mr. Brown had then been recently appointed one of the Judges of the Superior Court.

Court; and many of the others were among the most unpopular characters in the province. The dissatisfaction and uneasiness, already very great, were much increased by these measures. And to add to the general and deep anxiety which now pervaded every breast, a large military force was ordered into the province, and an act of Parliament was passed, directing the Governor to provide barracks, or other quarters for them in any town or place he might choose. Thus the charter, the palladium of their rights and privileges, under the shelter of which they had formerly felt themselves safe, at least from systematic tyranny, was wantonly violated by the arbitrary will of a favorite minister. They were to be governed entirely by strangers, and those in whom they had no confidence: And foreign mercenaries were provided to stifle the murmurs occasioned by oppression, and to check the efforts of a generous patriotism, which ministerial threats had not been able to silence or prevent. The intelligent citizens, who composed the committees of correspondence, and others, distinguished by their activity and firmness, were openly threatened by the servile tools of despotism, and marked out as victims to appease a tyrannical administration. But, happy for their countrymen, and happy for posterity, they were not moved from their high purpose by the menaces of the corrupt or powerful. Satisfied of the justice of their cause, they resolved to attempt every thing, and hazard every thing for its support. It was difficult, however, to devise any measures, other than those already adopted, to recover the liberty which had been attacked by the ruthless hand of power: And it seemed proper, also, to wait the result of a General Congress, which was to meet in the approaching month of September.

The citizens of Massachusetts, however, were not altogether inactive. In most of the counties, conventions were holden by committees from the several towns;

in which resolutions were passed, expressive of their sense of the heavy oppressions which had been heaped upon them, and of their determination to maintain their liberties at every hazard. Besides the grievances of which they justly and loudly complained, occasioned by the arbitrary acts of Parliament, their resolutions referred to recent alarming and hostile movements of general GAGE, who was openly making warlike preparations; and to a proposition which had been made for a Provincial Congress, to consult for the welfare of the people, instead of the House of Assembly, which had been dissolved.

Great attention was also given to military discipline. Independent companies were formed, at this time, in various parts of the province, which elected their own officers; and by whom they were instructed in military tactics, much beyond the ordinary acquirements of the militia. And in many places, there were those to be found, then only in the meridian of life, who had served as officers in the war of 1758 and '60, between England and France.

Thus, in fact, the embryo state of a revolution was already forming. Although forcible resistance was not then the general design or expectation, measures were adopted, which would, naturally, and without a great change in the policy of Britain, lead to such an issue. Lord CHATHAM, and others in England, predicted opposition in America, by force, to the late unconstitutional and arbitrary measures. The agent of the province was of opinion, that these acts were, in effect, a declaration of war against the citizens of Massachusetts. The inhabitants from the interior parts of the province assured their friends in the metropolis and vicinity, "that they were never more firm and zealous, and that they looked to the *last extremity* with spirit and resolution." And by some intelligent citizens such language was used as the following—"If the King violates his faith to, or compact with, any one part of his empire,

he discharges the subjects of that part, of their allegiance to him, dismembers them from his kingdom, and reduces them to a state of nature: So that, in such case, he ceases to be their King; and his Governor, set over such a part as his Representative, ceases to have any lawful authority to govern that people: And the people are at liberty to form themselves into an independent state."

The regular course of justice was also impeded, at this period, from a want of confidence in the Justices of the Superior Court. The prejudice remained against the Chief Justice, on account of his receiving a salary from the crown: And now another cause of uneasiness was found in the appointment of three of the Judges to be Counsellors by royal designation. In the month of September, the Grand Jurors for Suffolk refused to take the necessary oath; declaring that they considered the charter violated, not only by the regulation, providing for their support from England, and without the vote of the Representatives of the people; but by their holding their offices at the pleasure of the King, which placed them beyond the control of all authority in the province, and rendered them wholly dependent on ministerial favor. The Judges demanded of the Jurors a particular statement of the reasons for their refusing to take the oaths and proceeding to the usual business before them. The foreman read a paper to the Court, stating their views, and the reasons of their conduct, which was afterwards published.\* The Jurors returned for trials also declined acting: And yet it does not appear, that the Court laid on them any fine for this most irregular conduct.

\* This statement also objected to the Judges, that they had accepted the appointment of Counsellors by the King, which was considered a direct violation of the charter of the province. The Jurors were, moreover, influenced by public opinion, then generally expressed, that nothing should be done by the citizens, which could be considered as an acknowledgment of the justice of the existing system of government.

Perhaps it was a matter of prudence in the Court to pass by this contempt of their authority, at that critical period, without a penalty, and without censure. On the next day, the Judges proceeded to transact the business of the Court, without a jury, much to the surprise and dissatisfaction of the people.

About this time, the Governor dismissed Mr. HANCOCK from the command of the Independent Company of Cadets, without assigning, at the time, any reasons for his removal. This was justly considered a very arbitrary act, and gave great uneasiness to the citizens of Boston, generally, as well as to the members of the company. The other officers and members of the corps immediately convened, and voted no longer to meet and act as a military association; and sent their standard to the commander in chief. They said, they could not continue in the company, after their first officer had received such improper treatment. The Governor, in his turn, replied, "that Mr. HANCOCK had treated him with disrespect, and that he would not brook ill treatment from any person in the province." The company presented an address to Mr. HANCOCK; in which they bore testimony to his patriotism, and gave assurances of their great personal attachment.

Governor GAGE was invested with very great powers; such as no one had attempted to exercise in the province, since the days of the detested ANDROS. His commission was, indeed, rather that of a military commander, than of a chief magistrate of a free people. It was probably intended, when he was appointed, to take away the legislative authority of the province, and to form a government, without the Representatives of the people, to be administered altogether by ministerial agents. He could not be considered as the constitutional Governor of the province, to act in concert with a Council



and House of Assembly to be chosen by the citizens; but rather as the organ of arbitrary power in the hands of the executive part of a distant government; a dangerous precedent, which ought never to be followed in a free country. His measures, therefore, were not such as the charter or the laws of the province required or authorized; but such as the will of the Sovereign might suggest, to carry into effect, by military force, the tyrannical system devised by ministers of despotic principles, for the subjugation of a free and virtuous people. He accordingly had ordnance and other military stores brought from New York to Boston; removed the powder belonging to the province from Charlestown\* and Cambridge into the metropolis, of which he held the possession by a large body of British troops; refused to deliver the powder owned by private individuals, which had been deposited with the public stores; and erected fortifications on the neck, at the southern entrance of the town.

The measures of the British ministry, relating to Massachusetts and the other American provinces, originated partly from mistaken views of the opinions and temper of the people. Great misrepresentations had been made, for several years, to administration in England, respecting the state of the colonies. It was stated, by the officers of the crown and some others, that it was only a *few* ambitious individuals who objected to the policy of the parent state; and the friends and agents of the people could not be heard in their attempts to shew the general dissatisfaction. It is, also, true, that Lord NORTH and several other members of the British Cabinet, at this period, possessed high notions of the supremacy of Parliament, and of the sovereign power of the King. The more correct and just principles of civil liberty, recognized in 1689, and still received by many eminent statesmen in England, were not in fashion with

\* The quantity in Charlestown was about thirteen tons.

the Court party. Assuming the doctrine of the supreme and unlimited authority of Parliament over all parts of the empire; which, in a certain sense, restricted and qualified, however, by great constitutional principles, had been generally admitted in the colonies even; ministers insisted that the power of the parent government was entirely without control; and contended for the legitimacy of measures, which the patriots in both countries considered most arbitrary, and wholly destructive of the liberties of the subject.

With these views of government, ministers contended that any measures were justifiable for supporting the authority of the King and Parliament: And under the misapprehension, above mentioned, of the sentiments of the people in the colonies, generally, and especially in Massachusetts, they calculated, by severity and force, to bring the refractory and disaffected to ready submission. It became necessary, therefore, to convince the British ministry, that it was not a faction in Boston, by which opposition was kept alive in America: And that through this and the other provinces but one sentiment prevailed, as to the oppressive and arbitrary conduct of the parent government, and one determination to oppose and prevent the continuance of such a system of policy. Under these impressions it was, that a Continental Congress had been proposed, and was soon to convene; and that meetings were holden in all the large counties in Massachusetts, composed of committees from every town, to express their sentiments on the alarming state of the country, and to consult for the liberties and welfare of the people.

These meetings were in the early part of September. They were attended by several of the most intelligent and respectable inhabitants of each town: And their resolutions were as prudent and judicious, as they were firm and spirited. They declared their loyal attachment to the King, and their respect for

the *constitutional* authority of Parliament ; and their ardent desire to have harmony restored between the colonies and the parent state. But they also explicitly declared their conviction, that the recent conduct of ministers was most severe and unjust ; that the people in the colonies, by their representatives, had the sole right to grant and levy taxes ; that they had been deprived of the essential rights of British subjects, to which they were entitled equally with the people in England ; that their charter had been grossly violated ; and that they believed they were threatened with abject slavery : That, in such a situation, they considered it a solemn duty to themselves and their posterity, to oppose the acts of administration, and to maintain the civil rights received from their fathers, if necessary, even with force and arms. It was, therefore, recommended to their constituents, to continue faithful to the agreement for non-importations from Great Britain ; to organize the militia anew ; to elect those for officers, in whom they had confidence, and to attend more frequently to military discipline and to the use of arms ; to choose delegates for a Provincial Congress, as there was no General Court in being ; and to receive with attention and respect the advice which might be given by the Continental Congress then sitting at Philadelphia.

The resolutions adopted by the meeting of committees at Milton, in the county of Suffolk, were more explicit and spirited, than any which had been before published. They discovered a sensibility more alive to the distresses of the people, and more indignant at the conduct of administration, than appeared in the proceedings of the other counties. Dr. JOSEPH WARREN, one of the most ardent and resolute patriots in the province, was a leading member of this Convention. He was chairman of the committee, which reported the resolutions ; and they were said to have been chiefly prepared and written

by him. With a powerful intellect and popular manners, with a frankness which convinced every one of his sincerity and zeal in the cause of liberty, he had as strong hold on the feelings of the people, as any one in the county.\* As danger increased, he became more decided and resolute. He considered the destinies of unborn millions to be suspended on the manly and successful exertions of his contemporary fellow citizens; and his whole soul, with all its ardent powers, was engaged in rousing them to prepare for a strenuous defence of liberty, desperate as it might be, against the mighty attack which seemed ready to overwhelm it forever.

It is deemed proper that the resolutions of the Suffolk Convention be here given, in justice to the patriotic feelings and high purposes of men, who stood forth, at every hazard, in support of civil liberty; and to whom with others, the present generation in America are wholly indebted for a most perfect condition of political and social freedom.

“Whereas the power, but not the justice, the vengeance, but not the wisdom of Great Britain, which of old persecuted, scourged and exiled our fugitive parents from their native shores, now pursues us, their guiltless children, with unrelenting severity: And whereas this *then* savage and uncultivated desert was purchased by the toil and treasure, or acquired by the valor and blood of those our venerable progenitors—to us they bequeathed the dear-bought inheritance, to our care and protection they consigned it, and the most sacred obligations are upon us to transmit the glorious purchase, unfettered by power, unclogged with shackles, to our innocent and beloved offspring. On the fortitude, on the wisdom, and on the exertions of this important day, is sus-

\* Should it be thought that an exception ought to be made of Hancock or the two Adamses, it may be said, that the latter gentlemen were then at Philadelphia, and that the former was confined by sickness.

9 Sep  
1774



pended the fate of this new world, and of unborn millions. If a boundless extent of continent, swarming with millions, will tamely submit to live, move and have their being at the arbitrary will of a licentious minister, they basely yield to voluntary slavery; and future generations shall load their memories with incessant execrations. On the contrary, if we arrest the hand which would grasp all our honest gains, if we disown the parricide who points the dagger to our bosoms, if we nobly defeat the fatal edict which proclaims a power to frame laws for us in all cases whatever, thereby entailing the endless and numberless curses of slavery upon us, our heirs, and their heirs forever; if we successfully resist that unparalleled usurpation of unconstitutional power, whereby our capital is robbed of the means of life, whereby the streets of Boston are thronged with military executioners, whereby our coasts are lined, and harbors crowded with ships of war, whereby the charter of the colony, that sacred barrier against the encroachments of tyranny, is mutilated, and in effect annihilated, whereby a murderous law is framed to shelter villains from the hands of justice, whereby the unalienable and inestimable inheritance, which we derived from nature, the constitution of Britain, and the privileges warranted to us in the charter of the province, is totally wrecked, annulled and vacated; posterity will acknowledge that virtue which preserved them free and happy: And while we enjoy the rewards and blessings of the faithful, the torrent of panegyrists will roll our reputations to the latest period, when the streams of time shall be absorbed in the abyss of eternity—Therefore we resolve,

“That whereas his Majesty, George the Third, is the rightful successor to the throne of Great Britain, and justly entitled to the allegiance of the British realm, and, agreeably to compact, of the English colonies in America; therefore, we the heirs



and successors of the first planters of this colony, do cheerfully acknowledge the said George the Third to be our rightful Sovereign, and that said covenant is the tenure and claim on which are founded our allegiance and submission: That it is an indispensable duty, which we owe to God, our country, ourselves and posterity, by all lawful ways and means in our power, to maintain, defend and preserve those civil and religious rights and liberties, for which many of our fathers fought, bled and died, and to hand them down entire to future generations: That the late acts of the British Parliament for blocking up the harbor of Boston, for altering the established form of government in this colony, and for screening the most flagitious violators of the laws of the province from a legal trial, are gross infractions of those rights, to which we are justly entitled by the laws of nature, the British constitution and the charter of the province: That no obedience is due from this province to either or any part of the acts above mentioned; but that they be rejected as the attempts of a wicked administration to enslave America: That so long as the Justices of our Superior Court of Judicature, Court of Assize, and Inferior Court of Common Pleas in this county, are appointed, or hold their places by any other tenure than that which the charter and the laws of the province direct, they must be considered as under undue influence, and are therefore unconstitutional officers, and as such no regard ought to be paid to them by the people of this county: That if the Justices of the Superior Court of Judicature, and of Assize, Justices of the Court of Common Pleas, or of the General Sessions of the Peace, shall sit and act during their present disqualified state, this county will support and bear harmless all sheriffs, constables, jurors and other officers, who shall refuse to carry into execution the orders of said Courts: And as far as possible to prevent the inconveniences which

may be occasioned by a suspension of the Courts of Justice, we earnestly recommend to creditors to shew all reasonable and even generous forbearance to their debtors; and to debtors, to pay their just debts with all possible speed; and if any disputes relative to debts or trespasses shall arise, which cannot be settled by the parties, we advise them to submit all such causes to arbitration; and it is our opinion, that the contending parties, or either of them, who shall refuse so to do, ought to be considered as co-operating with the enemies of the country: That it be recommended to the collectors of taxes, constables, and all other officers, who have public monies in their hands, to retain the same until the government of the province is placed on constitutional foundation, or until it shall be otherwise ordered by the proposed Provincial Congress: That the persons who have accepted seats at the Council Board, by virtue of a Mandamus from the King, in conformity to the late act of the British Parliament, entitled, an act for regulating the government of Massachusetts Bay, have acted in direct violation of the duty they owe their country, and have thereby given great and just offence to this people; therefore, resolved, that this county do recommend to all persons, who have so highly offended by accepting said appointment, and have not already resigned their seats at the Council Board, to make public resignation of their places; and that those who refuse, be considered obstinate and incorrigible enemies to their country: That the fortifications begun and now building upon Boston neck are justly alarming to this county, and give us reason to apprehend some hostile intention against that town: That the late act of Parliament for establishing the Roman Catholic religion, and the French laws in Canada, is dangerous in an extreme degree to the Protestant religion, and to the civil rights and liberties of all America: That whereas our enemies have flattered themselves they should

make an easy prey of this numerous, brave and hardy people, from a belief that they are unacquainted with military discipline; we, therefore, for the honor, defence and security of this county and province, advise, that persons be elected in each town, as officers in the militia, who shall be judged of sufficient capacity, and have shewn themselves to be inflexible friends to the rights of the people; and that the inhabitants do use their utmost diligence to acquaint themselves with the art of war, as soon as possible, and do, for that purpose, appear under arms, at least, once every week: That during the present hostile appearances on the part of Great Britain, notwithstanding the many insults and oppressions which we most sensibly resent, yet, from our loyalty and affection to his Majesty, we are determined to act merely on the *defensive*, so long as such conduct may be justified by reason and the principles of self-preservation; *but no longer*: That, as we understand it is in contemplation to apprehend sundry persons of this county, who have rendered themselves conspicuous in contending for the violated rights of their countrymen, we recommend, should such an audacious measure be put in practice, to seize and keep in safe custody every servant of the present tyrannical and unconstitutional government in the county or province, until the persons so apprehended be liberated from the hands of our adversaries, and restored safe and uninjured to their friends and families: That until our rights are fully restored, we will, to the utmost of our power, (and we recommend the same to other counties,) withhold all commercial intercourse with great Britain, Ireland and the West Indies, and abstain from the use of British merchandize and manufactures, especially East India teas and piece goods, with such exceptions only, as the General Congress may agree to: That, under our present circumstances, it is incumbent on us to encourage arts and manufactures by all

means in our power, and to appoint a committee to consider of the best way to establish and promote the same: That the exigencies of our public affairs demand that a Provincial Congress be called to consult on measures to be adopted and vigorously executed by the whole people; and we recommend to the several towns in the county to chuse members for such a Congress, to be holden at Concord on the second Tuesday of October next: That this county, confiding in the wisdom and integrity of the Continental Congress, now sitting at Philadelphia, will pay all due respect and submission to such measures as they may recommend, for the restoration and establishment of their just rights, civil and religious, and for renewing that harmony and union between Great Britain and the colonies, so earnestly wished for by all good men: That, as the great uneasiness which prevails among the people, arising from the wicked and oppressive measures of the present administration, may induce some unthinking persons to commit outrage upon private property, we do heartily recommend to the citizens, to avoid all riots or licentious attacks upon the property of any person whatever, as being subversive of all order and government; but, by a steady, manly, uniform and persevering opposition, to convince our enemies, that, in a contest so important, in a cause so solemn, our conduct shall be such as to merit the approbation of the wise, and the admiration of the brave and free of every age and of every country: That should our enemies, by any sudden manœuvres, render it necessary for us to ask the aid of our brethren in the country, some of the committee of correspondence, or the Selectmen of the town, where hostilities should begin, or be expected, dispatch messengers to other towns and places, so that proper and sufficient assistance may be obtained for the security of the people and the province."



A convention in the county of Essex,\* not less numerous and respectable than the one at Milton, in Suffolk, was holden on the 7th and 8th of September; and their resolutions were published a few days earlier than those of the former meeting. For that at Milton continued by adjournment several days, and did not close until the 9th. They insisted on the right to hold town and county meetings, which had been prohibited by governor GAGE, and even by act of Parliament; and advised, that, if any persons were chosen as Representatives, by virtue of the precepts issued for the purpose by the Governor, they should rather form themselves into a Provincial Congress or Convention, and consult and act without regard to the Governor and present Council, the members of which had been appointed by the British ministers. "Civil war," they said, "was to be deprecated, as a great calamity." But they resolved "to maintain their liberties at every hazard; even at the risk of life itself; as those could not die too early who laid down their lives in support of the laws and liberties of their country." They also appointed a committee to call another meeting if it should be found necessary.

When the meeting was warned in Salem in the month of August, to elect delegates to a county convention, governor GAGE sent for the committee of correspondence, by whom the inhabitants were invited to assemble, and gave it as his opinion, that such a meeting would be unlawful and seditious. The committee declared their belief, that it would be consistent with the laws of the province, and with the acknowledged principles of the British constitution. He replied, "that he should not discuss the subject with them; that he came, not to argue and dispute with the people, but to execute the laws of Parliament, and was determined to execute them." And he added, "that if the citizens assembled, he

\* Jeremiah Lee, Esq. was chairman of the Convention in Essex.



should order the sheriff to disperse them; and that, if the sheriff needed support, he should himself support him with his troops." The troops were, in fact, ordered out, and marched near to the Town House, where the meeting was holden. But while the committee was conversing with the Governor, and the troops were preparing to march, and on their way, the people had assembled, and immediately made choice of delegates for the proposed convention. Warrants were afterwards issued, by order of the Governor, to arrest the members of the committee. Several of them were actually arrested, and gave sureties for their appearance: But no further prosecution was had against them.

The resolutions passed in the respective conventions of delegates for the counties of Middlesex, Plymouth and Worcester, were dictated by the same patriotic feelings which animated the assemblies in the more populous counties of Suffolk and Essex; and were pointed, with equal severity, against the oppressive acts of Parliament, the arbitrary conduct of ministers, and the hostile operations of general GAGE in the metropolis. A spirit of loyalty to the King, and a regard for the parent country was fully manifested; but accompanied also, with a resolution to defend their civil rights and privileges amidst all the difficulties and terrors, which an insidious and tyrannical administration could possibly create. And, under all this oppression and irritation, there prevailed almost universally through the province, the greatest order and tranquility; an unequivocal proof of the intelligence, wisdom and virtue of the great body of the people.

There was some irregularity committed, and some threats uttered against several of the Counsellors then lately appointed by the King, by a concourse of people belonging to the county of Middlesex, who suddenly collected in the town of Cambridge. But this could not be attributed solely to their opposition

to the oppressive and unconstitutional laws of Parliament; nor was it with a design to obtain a redress of their grievances by force. The appointment of the *Mandamus* Counsellors was indeed a most unpopular measure; and the indignation of the people was greatly excited by this direct attack upon their charter. But the immediate occasion of the irregular collection and tumult, was the report, probably exaggerated, of the conduct of governor GAGE at Salem, in forbidding a meeting of the citizens in that town, to choose delegates for a county convention, as already related; and in calling out the military to oblige the inhabitants to disperse. Immediately on this report, many people collected in Cambridge, where several of the newly appointed Counsellors then resided; and without time for reflection, and under the influence of sudden resentment, went to their houses, and threatened them with personal injury, but on condition of their resigning the offices, to which they had been designated, so contrary to the provisions of the charter, and to the sentiments of the people. No injury was actually done to the Counsellors: But it was an unjustifiable act, which the more intelligent and discreet greatly lamented. The gentlemen who were threatened, and who chose not to resign the appointment received from the crown, soon after retired to the metropolis, to avail themselves of the protection of governor GAGE, and of the military under his command.

This tumult at Cambridge was greatly magnified, not only in distant parts of the province, and in the adjoining colonies; upon which a large body of the yeomanry in Connecticut and from the inland towns in Massachusetts collected under arms, and began their march towards Boston, for the protection and safety of the inhabitants in that town and vicinity:\*

\* Col. Israel Putnam, and General C. Lee visited Boston about this time, and were received with great enthusiasm by the patriotic citizens. Putnam's reputation for bravery was justly very high through New England; and he had extensive influence in his native state.

But in England, in consequence of which more decided and energetic measures were proposed by ministers, and an additional military force was ordered to be in readiness for Massachusetts, to subdue the riotous and rebellious citizens.

The report and resolutions of the Convention in Suffolk county were immediately forwarded to the Continental Congress then sitting in Philadelphia; for the purpose, probably,\* of exhibiting to that respectable Body the feelings and views of the people of Massachusetts, and with the hope of receiving advice as to the proper measures to be adopted in their critical and exposed situation. And it was, thereupon, unanimously resolved by the General Congress, "that they deeply felt for the sufferings of their countrymen in Massachusetts, under the operation of the late unjust, cruel and oppressive acts of the British Parliament; that they entirely approved of the wisdom and fortitude, with which opposition to these wicked ministerial measures had been conducted:" And they earnestly recommended "a perseverance in the same firm and temperate conduct as expressed in their resolutions; trusting that the effect of the united efforts of North America in their behalf, would carry such conviction to the British nation, of the unwise, unjust and ruinous policy of the present administration, as soon to introduce *better men and wiser measures.*" Congress also recommended, that contributions be continued to the people of Boston; and that these (their) resolutions, and those of the Suffolk Convention be published for the information and benefit of the country.

At an early day of the session, a large committee was chosen, to state the rights of the colonies, con-

\* No information could have been given by these proceedings, of the conduct of Governor Gage in Boston; for the delegates from Massachusetts had departed only a few days before, and intelligence was continually forwarded of the movements of the British troops.

sisting of two members from each province: And S. ADAMS and J. ADAMS were selected for Massachusetts. The rights of the people in British America were stated by this committee with great precision and firmness; and were such as had been previously asserted and contended for by Massachusetts, and most of the other colonies: And the several acts of Parliament, which were considered as infractions of these rights, were particularly pointed out. As a means of restoring the rights and liberties of the colonies, it was voted to allow no importations from Great Britain, after two months; and if any English goods should be imported, that they should not be used or purchased; to petition the King for a redress of grievances; to forward an address to the people of England, and to the inhabitants of Canada: And also to state to their constituents, their opinions and views of the course proper to be pursued in their distressed situation. But these proceedings had reference to the whole continent; and not, particularly, to Massachusetts.

Besides the numerous and spirited resolutions passed by the Suffolk Convention, which have been given above, on the day of their adjournment, Dr. WARREN and others were chosen a committee to wait on the Governor, to inform him that the people of the county were much alarmed at the fortifications making on Boston neck, and to remonstrate against the measure, as well as the repeated and gross insults offered by the soldiers to the peaceable inhabitants in passing into and from the town, when engaged in their usual and lawful business. In their address to the Governor, the committee observed, "that a measure so formidable, carried into execution from a preconceived, though causeless jealousy of the insecurity of his Majesty's troops and subjects in the town, deeply wounds the loyalty, and is an additional injury to the faithful subjects in this county, and affords them a strong motive for this application.

We, therefore, entreat your Excellency to desist from your design, assuring your Excellency, that the people of this county are by no means disposed to injure his Majesty's troops. They think themselves aggrieved and oppressed by the late acts of Parliament, and *are resolved, by Divine assistance, never to submit to them*; but have no inclination to commence a war with his Majesty's troops; and beg leave to observe to your Excellency, that the ferment now excited in the minds of the people is occasioned by some late transactions, by seizing the powder in the arsenal at Charlestown, by withholding the powder lodged in the magazines from the legal proprietors, by insulting and beating the people passing to and from the town of Boston, and especially by fortifying the only avenue by land to the capital of the province."

In reply to this address, the Governor observed, that it was not his design to prevent or to interrupt the intercourse between the town and the country; that he believed there were very few instances of insult offered by the soldiers to the inhabitants, and that he should endeavor to keep the troops under strict subordination. He also inquired, why it was that the citizens were arming themselves in various parts of the province, and expressed a suspicion, that an attack was meditated against the troops under his command. In such a state of affairs, he declared he should not think it proper to discontinue the fortifications he had begun at the entrance of the metropolis.

The committee were not satisfied with this reply of the Governor, and addressed a second letter to him, in which they stated, that they considered the hostile preparations which he was making, and the order for an additional number of British troops, which had been given, furnished a sufficient apology to the citizens of the province, to be providing means for their own safety and protection. And they urged



most earnestly the removal of the military force from the entrance into the town of Boston, which was a source of great discontent and irritation to the people. GAGE refused to receive this address; and said to the secretary who offered it to him, that his opinion had already been expressed on the subject, and he should not recede from the measure he had begun.

This conduct of the Governor gave much dissatisfaction and alarm, not only to the citizens in Boston and its vicinity, but generally through the province. And yet the friends of general GAGE contended, that he was justified in the measure, from considerations of prudence, as a great excitement prevailed among the people, at the time, and some believed it not improbable, they might be induced to make an attack upon the British troops in the capital, before the arrival of reinforcements, then daily expected.

In the month of September, J. QUINCY, Esq. sailed for England; with a view, partly, to the restoration of his health; but chiefly for the purpose of learning the objects and plans of the British ministry. And he had the approbation of many intelligent men in the province, in his intentions to ascertain the views and purposes of the parent government. He found that great misrepresentations respecting the temper and designs of the people in Massachusetts had been made by BERNARD and HUTCHINSON; and that they had been instrumental, in some measure, in procuring the enactment of some of the statutes, which operated to the abridgement of the rights and prosperity of the province. But he was also convinced, that administration was resolved to carry its despotic system into effect, and that the people of America must prepare for the defence of their liberties by an appeal to arms.

Another communication was made to Congress, the first of October, stating that no regard had been paid by governor GAGE to a request made to him

by the Convention for Suffolk county, that he was continuing the fortifications at the entrance of the capital, and raising new ones in other places : And praying advice, whether to remove the inhabitants from the metropolis ; and also what conduct would be wise and prudent for the province, as they had no legitimate government since the charter had been violated. On the day following, Congress resolved, “ that they approved the opposition of the people of Massachusetts to the late acts of Parliament ; and if the same should be attempted to be executed by force, that, in such case, all America ought to support them in their opposition.” They also recommended to the inhabitants, to submit to a suspension of the administration of justice, as far as possible, if consistent with law and order ; and declared, that the ~~men~~ who accepted commissions under the act, changing the form of government, and violating the charter of the province, “ ought to be held in detestation and abhorrence by all good men, and be considered as the wicked tools of that despotism, which was preparing to destroy the rights, which God, nature and compact had given to America.”

As to the question of the propriety of the inhabitants removing from the capital, they referred the decision to the Provincial Congress, then recently convened. But they forwarded a letter to governor GAGE, in which it was observed, “ that they considered the town of Boston, and the province of Massachusetts, as suffering in the common cause, on account of their noble and spirited opposition to oppressive acts of Parliament ;” and assuring him, that they were anxiously devising measures for a restoration of harmony with England, of which they were most desirous, on terms consistent with their former rights and privileges. And they remonstrated against his hostile preparations, which justly produced great alarm and irritation, not only in Massachusetts, but throughout all America.

Governor GAGE had issued precepts in the month of August, to the several towns in the province, for the choice of Representatives to meet at Salem, the first week in October. But, afterwards, in consequence of the county Conventions, which proposed a Provincial Congress, and advised that they should not acknowledge or act with the ‘Mandamus’ Counsellors, he declared by proclamation, that they were excused from assembling. On the recommendation of these county meetings, however, delegates were chosen from all the towns;\* and assembled at Salem on the 7th of October. Neither the Governor nor the Council appeared to administer the usual oaths: And had they attended, with that view, the delegates, no doubt, would have declined taking them. They formed themselves into a Provincial Congress; and immediately adjourned to Concord, where they met three days after, and proceeded to public business. JOHN HANCOCK was chosen President, and BENJAMIN LINCOLN Secretary of the meeting: And a committee was appointed to consider the state of the province, consisting of J. HAWLEY, JOSEPH WARREN, S. DEXTER, A. WARD, JAMES WARREN, W. HEATH, J. LEE, E. CHURCH, J. FOSTER, N. GORHAM, S. HOLTEN, E. GERRY, J. TYNG and S. ROBINSON. An address to governor GAGE was prepared by this committee, and approved by Congress, in which, after an apology for having thus assembled, and observing that the distressed situation of the province, owing to the many grievances and oppressions under which the people groaned, had brought them together to prevent impending ruin, and provide for the public safety; they remonstrated against his hostile measures, which threatened to involve the province in the horrors of civil war. They declared their attachment to Britain, their loyalty to the King,

\* The whole number was 288; the House of Representatives had usually consisted of about 130 or 140. A very few small towns had no delegates; but many of the large towns sent two and three.

and their love of order and tranquility : But added, "that when the power of government, which was originally designed for the security and welfare of the people, was employed to harass and enslave them, it became a curse, rather than a blessing." They complained of the late acts of Parliament, by which their charter was directly violated, their rights abridged, justice perverted, and even murders were licensed ; and which, if carried into execution, would reduce them to abject slavery ; of the large military force in the capital, and of the fortifications erected at its entrance, as most oppressive and insulting, not only to the inhabitants of Boston, but to all the people of the province. They urged him to discontinue these offensive preparations ; and declared, that the citizens would not be satisfied until these hostile works were wholly demolished. Congress then adjourned to Cambridge, where they met the following week.

A large committee, consisting of twenty one, some of whom were of the committee that prepared the address, was appointed to present the same to the Governor immediately. He replied, that the preparations he had made were designed only for the protection of the troops under his command ; and that he considered himself justified in the measure, by the menaces which had been uttered, and by a report of the warlike movements in various parts of the country. "Britain," he said, "could never harbor the black design of wantonly destroying or enslaving any people on earth." He assured them, he was desirous of harmony between Great Britain and her colonies, and should be happy to contribute to so salutary an object." He would have them consider, "while they complained of alterations in their charter by acts of Parliament, whether their assembling, as they had done, was not a violation of their own constitution : " And he required them to desist from such illegal proceedings.



This Assembly was composed of patriotic and resolute characters, prepared for any measure, which should be deemed wise or proper for the restoration or defence of their violated rights. They were unwilling, indeed, to believe, that the King and Parliament would resort to arms, to enforce submission to the arbitrary and unconstitutional laws which had been enacted: And they were ready to suppose, that the British ministry had been deceived by false reports of the temper and designs of the colonists; or that administration would soon be changed, and a policy more rational and just be adopted towards America. Yet they had long borne these oppressions; petitions and remonstrances had been ineffectual; justice was still delayed, and their wrongs were not redressed. All recent appearances, in fact, gave strength to their former fears. Ministers declared their determination to support the claims of the parent government heretofore advanced: And an army was in their capital, ready to slaughter or imprison those who should dare to refuse obedience to statutes which went to the very annihilation of civil liberty in America. In such a situation, it was extremely difficult for men of their character, uniting a love of order with their ardent zeal for freedom, to determine on a course of conduct, which should not be construed into an unjust opposition to government, or a timid surrender of their natural and unalienable rights. We shall find, that they had wisdom and fortitude for the trying occasion. In the measures they recommended and pursued, they displayed equal firmness and caution. They were justly chargeable with no rash or violent conduct, to diminish the confidence of their friends; nor did they weakly yield to despair or inaction, which would have given cause of triumph to their oppressors.

A committee was appointed, consisting of two members from Suffolk, and one from each of the other counties, to consult and take measures for the



defence and safety of the province. S. DEXTER was chairman of the committee; but most of the members were militia officers. Another was chosen at the same time, to confer with the Selectmen, overseers of the poor and committee of correspondence of Boston, and to consider what was necessary for the relief and preservation of the town. It was also resolved by the Provincial Congress, that the Counsellors appointed by the King and ministry, in direct violation of the charter, had, by accepting the appointment, acted a part most inimical to the liberty and welfare of the people; and that, unless they should publicly announce their intention to resign the office, within ten days, their names would be published, and they would be considered rebels against the state. It was again recommended to the people, to refrain entirely from the use of tea; and as much as possible from purchasing imported articles and goods of every description. And the constables and collectors of taxes were ordered, not to pay any sums to the treasurer of the province, who had then become less opposed to the policy of ministers, and would be likely to pay over the same to the officers of the crown; but to retain it, and to pay it afterwards, as the Congress might direct.

An estimate was made by a committee, and afterwards approved by this Congress, of the sum necessary to be expended in providing ordnance and military stores, in addition to the quantity then belonging to the province:\*. And the estimated amount was twenty thousand pounds.

In adopting measures for the defence and safety of the province, they observed, that they were compelled to make such preparation, since a large body of troops had arrived, and were in forcible possession

\* They were as follows, viz.: 16 field pieces, 3 pounders: 4 field pieces, 6 pounders: carriages, iron, &c. for 12 battering cannon: 4 mortars: 20 tons of grape and round shot: 10 tons of bomb shells: 5 tons of lead balls: 1000 barrels of powder: 5000 arms and bayonets: 75,000 flints, &c. &c.

of the capital; the property of individuals, and the military stores of the province had been seized by the Governor, and many appearances indicated a purpose to invade still more directly the rights and liberties of the people, notwithstanding the repeated assurances given of a disposition in the province in favor of union and harmony with England on just principles. They solemnly declared, that, in their opinion, nothing, except slavery, was more to be deprecated than hostilities with Great Britain; and that they had no design to attack or annoy his Majesty's troops within the province. But being satisfied, that in their situation, measures of defence and safety were absolutely necessary, they proceeded to choose an executive committee,\* with authority to call out, assemble and put in military array any portion of the militia of the province, for the protection of the citizens; and earnestly recommended to the militia officers, as they regarded the lives and liberties of their fellow citizens, to be prompt in obedience to such requisitions. Another committee was appointed to furnish supplies of military stores and of provisions, if such should be needed, in the recess of the Congress, to equip or support the militia; and were also instructed to secure all the public stores, which had not been seized by general GAGE. It was further voted to elect three General Officers;† and the militia were advised to form into companies and battalions, to elect officers, and to attend more assiduously to military discipline. H. GARDNER was chosen treasurer of the province at this period; and the sheriffs and collectors of taxes were directed to pay over the public monies in their possession to him accordingly. It was also voted to request the gentlemen chosen Counsellors in May preceding, to

\* Mr. Hancock was the first chairman: and it was called "the Committee of Safety."

† Those chosen at that time were Preble, Ward and Pomroy. In December, Thomas and Heath were also appointed General Officers.

attend at a future meeting of this Congress to be holden by adjournment in November.

On the 29th of October, the Provincial Congress was adjourned to the last week in November; having previously directed the publication of the most important votes and resolutions which had been adopted; requested the Committee of Safety to lay before the Continental Congress at Philadelphia a statement of their proceedings; and prepared another address to governor GAGE, in which they justified their meeting and the measures proposed, as absolutely necessary for the maintenance of rights, which they inherited, not only from their charter, but also from the English constitution. They repeated, that they had the utmost reason to be alarmed at his hostile proceedings; that a standing army, in the time of peace, placed among the inhabitants, was a flagrant violation of the principles of British liberty; and that in their condition, oppressed by tyrannical ministers, and threatened with the horrors of a military government, they should be chargeable with insanity, and guilty of moral suicide, did they not prepare for security and defence.

## CHAPTER XV.

Preparations for Defence—Great unanimity of Sentiment—Ardent love of Liberty—Provincial Congress meet in November—Delegates chosen for General Congress—Patriotism of the Clergy—Address to the People—Difficulty of the Times—A Resolution to support their Rights—But a great reluctance Forcibly to Resist—Provincial Congress in February, 1775—Committee of Safety to collect Cannon, &c.—New Military Officers Appointed—And Public Fast—Congress Adjourned—Attempt of the British to take Stores at Salem, by force—Military Stores guarded—Mandamus Counsellors—Congress Adjourned April 15th—Affair at Lexington and Concord, April 19th.

THE course recommended by the Provincial Congress, was almost universally approved and pursued by the citizens of Massachusetts. The militia were, in most places, organized anew: Additional companies of minute men were formed: Intelligent and active young men were chosen officers, who were ambitious of teaching the soldiers the military art more perfectly.\* Preparations were made for self-defence, in case the exigency might require it. Many, indeed, more advanced in life, who were sincere friends to civil liberty, and to the charter rights of the province, from timidity, or from a hope that a better policy would be adopted by the British ministry, were not so decided and open in opposing the arbitrary measures of the parent government, as true patriotism seemed to require. But such even, in many instances, at the request of their more

\* The number of inhabitants, at this period, was about 400,000.

ardent neighbors, declined acting under the royal commissions, which they had received. The more youthful, however, manifested great spirit and zeal, and were prepared to make every sacrifice in defence of the liberties of their country. A degree of enthusiasm prevailed through the province, highly honorable to the Americans, as a brave and patriotic people; and gave favorable presages of the result, should a contest ensue. But the attachment to Britain was not yet extinguished; nor the hope of reconciliation wholly abandoned.

The Provincial Congress met again at Cambridge on the 23d of November: And the gentlemen, who had been delegates from Massachusetts to the General Convention, being also members of this Body, attended; and communicated the proceedings of the Continental Congress, which had met at Philadelphia. Most of the Counsellors chosen in May preceding, also attended the present meeting, as they had been previously requested: And several of those who had been appointed by the King, gave notice of their declining to act as such.\* An estimate was ordered to be made of the loss and damage occasioned by the Boston Port Bill, and the amount *extorted* from the province by acts of Parliament, subsequently to the year 1763. A grateful notice was taken by the Provincial Congress, of the liberal donations made by the other colonies, to the people of Boston. At this session, five delegates were appointed to meet in another Continental Congress, in May following; or at an earlier period, should the public situation require it. The distinguished citizens, who were the former delegates, were again elected, except Mr. BOWDOIN, who declined; and Mr. HANCOCK was appointed in his place. And they were authorized "to concert and order such further measures as should appear best calculated

\*These were Danforth, Russell, Lee, Watson, Powell, Royall, Paine, Vassall, Worthington, Hooper and Palmer.



for the recovery and establishment of American rights and liberties, and for restoring harmony between Great Britain and the colonies.”

The resolutions and recommendations of the General Congress, having been read, and very deliberately considered, were unanimously approved: And the people in the province were most earnestly requested to adhere strictly to the agreement for the non-importation and disuse of all British goods. An address was also made to the Clergy of the province, requesting their influence in favor of a faithful compliance with the advice of the late Continental Congress. The Clergy were very generally the friends of political freedom; and their efforts were directed, not without effect, to promote and secure the liberties of their country.

At the former session of the Provincial Congress, a committee was appointed to report what treatise on military exercise would be most proper for use; who recommended that which was adopted in England in 1764. At this meeting, a plan of military discipline was presented by a citizen of Salem,\* who was then an officer in the militia; and after being examined by a committee of Congress, was approved and accepted.

Congress, at this time, recommended to the people of the province to attend to the manufacture of various articles in ordinary use, and of which there would soon be need, in consequence of the agreement not to import them into the country from foreign places; among them were particularly mentioned, powder, glass, salt, saltpetre, paper, nails, steel, tin plates, &c. And they were also advised to cultivate hemp and flax, and to attend to the raising of sheep more generally. On the 10th of December, this Convention was dissolved; not, however, without urging on their constituents to elect delegates for another Congress, to meet in two months, and preparing a

\* Timothy Pickering, Esq.

patriotic and animated address to the people of the province; in which they observe,—That, having been chosen to consult for the common safety and defence, at a time when the people were suffering under cruel oppressions, when their commerce was almost annihilated, when deprived of law and the due administration of justice, when a standing army was stationed within the province, for the very purpose of enforcing submission to a system of tyranny, and when the General Court had been prohibited to assemble, they had, with much anxiety, and great caution and deliberation, adopted the measures which were recommended; that they still had confidence in the wisdom, justice and goodness of their Sovereign, and in the good sense and humanity of the British nation, if a true statement of the conduct and views of the province could be fairly presented. But that they had great reason to fear the unjust and tyrannical system would be continued through the influence of an arbitrary ministry, and from false and malicious reports circulated in England against the people of America. They, therefore, earnestly and solemnly entreated the citizens, to comply most faithfully with the proposal for *preparing* to act in defence of the country and its violated rights, and to attend to the arming and disciplining of the militia, as a resort to force might possibly be necessary. This appeal was addressed to their love of country and their love of liberty, to their respect for their ancestors and a regard to posterity. And the delegates assured their fellow citizens, “that they were themselves to stand or fall with the liberties of America.”

A spirit of ardent patriotism very generally prevailed, at this period, among the people; and a desire was manifested to comply, as far as possible, with the recommendations of both the General and Provincial Congress. The agreement for the non-importation and non-consumption of British goods, was in general, strictly observed: And great atten-

tion was given to discipline the independent companies of militia, and to furnish the necessary arms for their use. In this, however, there was a lamentable deficiency, in many parts of the province.

It will readily be perceived, that the situation of America, especially of Massachusetts, was critical and embarrassing. It had become necessary, for the maintenance of their natural and charter rights, that a sober and orderly people, intelligent men who were convinced of the importance of a regular government, and attached to the parent state, should submit to the appellation, and act the part of *rebels*. For, in truth, their opposition to the authority of the British government, under which they then lived, was, generally, in England, considered as rebellion: And had they not finally succeeded in their opposition, however noble and patriotic was the struggle, this ignominious epithet would have been applied to them in the future pages of history. But, although the patriots of Massachusetts, and of the other American colonies at this period, opposed firmly and openly, and prepared to resist forcibly, the arbitrary power of Great Britain, it was under the influence of feelings and views consistent with the most correct principles; and for which, in all moral estimation, they are entitled to the highest praise. They did, however, feel the difficulty of their situation: And, while resolved to prepare for the support of their rights and liberties, at every hazard, and with the greatest struggles, they were anxious to have it known, that it was only in self-defence they were induced to take up arms; and that they should not resort to force, until it became absolutely necessary, and all efforts for reconciliation were ineffectual.

A second Provincial Congress met at Cambridge, the first of February, 1775, as had been recommended by the members of the first. J. HANCOCK was again chosen President; and B. LINCOLN, Secretary: And a great majority of the delegates

were the same who composed the Congress in October preceding.

On a representation, that several mechanics in Boston, and some other towns in the vicinity, were employed by governor GAGE in preparing articles to enable him to make an attack on the country in the spring,\* it was strongly recommended to them to desist from such service; and it was even declared, that all such persons would be considered enemies to the province. The commander of a regiment of militia in Suffolk county, was ordered to deliver "the four brass field pieces and the two brass mortars, belonging to the province," to the Committee of Safety: And they were also directed to take into their custody all the military arms to be found in any part of the colony. This committee was continued, and its powers renewed and increased. They were instructed to take particular notice of any attempt to enforce the late obnoxious laws of Parliament, and to call out the militia to prevent it. The militia officers were exhorted to obey the call, if made, and to observe the directions of the committee. A return of men and arms was ordered to be made, at an early day: The five General Officers, two of whom were chosen at this session, and three at a former meeting of Congress, were to take command of the minute men, and of the whole militia of the province, whenever assembled, or called into action by the Committee of Safety. Orders were also given by this committee for large quantities of provisions to be deposited at Concord and Worcester; and for collecting, at these places, and other towns in the interior, all the military stores which could be procured; even to an amount sufficient to furnish 15,000 men.

\* Though this was the report out of Boston, the mechanics were, probably, not aware of such an intention in the Governor. But any assistance afforded him in his warlike preparations was improper, and justly subjected them to the censure of those who were the patriotic guardians of the public welfare.

This Congress, as did the former, made a public appeal to the patriotism of the people. They acknowledged that the crisis was alarming; but they entreated them not to despond, nor to relax in their preparations for defence. Great firmness and resolution, they said, were necessary; and all the exertions to be made, of which the resources of the country afforded the means and the power. They expressed their abhorrence of actual hostilities; but declared their conviction, that they were bound to defend their civil rights, both as men and as Christians. They referred to the claims of Parliament for taxing the people in America without their consent, and without any Representatives in the British Legislature; to the late acts for altering the charter of Massachusetts, and introducing arbitrary measures and a military power, which tended directly to the entire misery and slavery of the people. And they expressed a firm belief, that all America would support them, in their struggles for liberty.

On the 16th of February, this Congress was adjourned to the 22d of March; having first appointed a day to be observed for religious purposes, and to seek to heaven for guidance and favor; having also chosen a large committee to correspond with the other colonies; and another, consisting of the members from Boston and its vicinity, to call a meeting at an earlier day, if circumstances should render it necessary.

During the month of February, an affair took place at Salem, which served to shew the intention of governor GAGE to obtain possession of the military stores belonging to the province, and to manifest also the resolution and spirit of the people. A detachment of British troops was sent from Boston, by the way of Marblehead, for the purpose of taking some military stores reported to be at Salem or Danvers. The troops, to the number of about 150, were conveyed to Marblehead by water; and thence pro-



ceeded by land to Salem. The stores were not to be found here; and it was supposed they had been removed to the adjoining town of Danvers. The officers, therefore, were resolved to march to the latter place, to obtain the object they had in view by this military excursion. But at the bridge, dividing Danvers from Salem, were found posted about fifty of the militia, under the command of Col. PICKERING. They had, indeed, taken up the bridge, and appeared determined to prevent the further progress of the King's troops. For when the British commander ordered them to replace the planks of the bridge, for his men to pass, the party under Col. PICKERING refused. It was late in the day, or probably a skirmish would have ensued. The British officer would have been desirous of discharging the duty assigned him; and the militia, every moment increasing in number, would not have hesitated to oppose force to force. Some citizens of Salem, of pacific views, who were present, exerted themselves to prevent an encounter. The bridge was finally replaced by the people, and the British troops marched over a few rods; but were glad to return, without attempting to take or search further for the military stores, which they had been ordered to secure. This incident, however trifling, was sufficient to alarm the people of the province respecting the hostile purposes of the British troops, then in the capital, under the command of governor GAGE; and to induce the latter to estimate more highly the activity and resolution of the Americans.

There was an apprehension, that troops would be sent to other places where military stores were deposited, to remove them to the capital. The Committee of Safety, therefore, selected several persons to give notice of any movements of the British from Boston into the country; and placed a watch at Concord and at Worcester, where provisions and military articles were chiefly collected, for the purpose of

giving an alarm to the surrounding country, on the report of any such expedition. Some of the cannon were ordered from Concord to Groton, and some was removed from Worcester to Leicester. The Committee for Supplies, chosen some time before, was also engaged in procuring powder, fire-arms, bayonets and flints, as well as various articles of provisions; to be in readiness for a large body of the militia, should it be necessary to call them out for the defence of the province.

On the 22d of March, the Provincial Congress met again at Concord, as had been proposed. From the conduct of governor GAGE, as well as from intelligence received from Boston, there was reason to expect that attempts would soon be made to take away or destroy the stores which had been collected; and to prevent, as far as possible, the militia from arming in self-defence. It was the great object of Congress, therefore, at this meeting, to support the Committee of Safety in the measures they had adopted for protection; and to urge the people to prepare for a firm and united resistance, should the crisis require it. They particularly recommended to the companies of minute men to improve themselves in military discipline; and ordered several companies of artillery to be immediately organized. A system of rules and regulations was adopted, to be observed by the *constitutional* army, if one should be raised and collected. And they earnestly solicited the Selectmen of the several towns to provide for the speedy collection of all public taxes, and to raise money by loans of any individuals able and disposed to furnish it. An order also was passed for publishing the names of the *Mandamus* Counsellors, who accepted the appointment, and "thus proved themselves implacable enemies to the liberties of the country." Those who had already declined, were DANFORTH, RUSSELL, LEE, WATSON, POWELL, ROYALL, PAINE, WILLIAMS, GREEN, VASSALI,

WORTHINGTON, WOODBRIDGE, HOOPER, and PALMER.

During this session of the Provincial Congress, more troops arrived in Boston from England; and intelligence was received, that ministers were determined not to relax in their plans of coercing the subjects in Massachusetts. There was, indeed, some opposition in the British House of Commons to these hostile measures. Lord CHATHAM, though enfeebled by disease, and seldom able to attend in Parliament, made an effort to be present, when the subject was under consideration for enforcing the late oppressive and arbitrary statutes: And, with some other statesmen, vehemently opposed and censured the policy of administration. He considered the people of Massachusetts as standing in defence of constitutional rights and of privileges belonging to all British subjects; and denounced the conduct of ministers as unjust and tyrannical. He predicted united opposition, if further attempts were made to enforce submission; and boldly expressed a wish, that success might attend the struggles of Americans for civil freedom. For a moment, ministers seemed to hesitate. But the public voice in England was in their favor; and yielding to injudicious counsels, and to a spirit of infatuation, which prevailed in the nation, they resolved to persevere in the cruel policy of wresting every semblance of liberty from their fellow subjects in the colonies.\*

The Ministers, indeed, about this time, proposed a conciliatory plan to all the colonial assemblies in America, with the pretence that if they would respectively tax themselves in such amount as might

\* In February, a bill was passed in both Houses of Parliament, on the motion of Lord North, to restrain the trade of the New-England colonies, with Great Britain and the West Indies; and to interdict the inhabitants from the fishery on the banks of Newfoundland, as well as near the coasts of their northern settlements on the continent of America. This was justly considered a most wanton exercise of power, when no benefit could possibly accrue to the British nation from such a prohibition.

be required, the existing revenue system should be abandoned. But the proposition was too indefinite to be approved by intelligent men in the colonies : And the great object was, as afterwards avowed by lord NORTH, to divide the citizens of America, and to prevent that union of counsel and effort which was forming, so much to the apprehension of the British administration.

On the 8th of April, the Congress of Massachusetts being in session at Concord, it was voted to raise an army with all possible dispatch, for the defence of the province, against any attack which should be made by the British troops ; which had, a short time before, been much augmented, and gave indications of hostile movements. Committees were also chosen, consisting of three members each, to visit the colonies of Connecticut, New Hampshire and Rhode Island, to communicate the plan proposed in Massachusetts, and to solicit them to furnish troops, if circumstances should make such aid necessary. The Committee of Safety was instructed to make enquiry who would be proper characters for Field Officers for the militia and minute men, when any vacancies existed ; and the delegates generally were enjoined to use their endeavors that the former orders for military trainings and discipline be faithfully observed.

The Congress of Massachusetts provided for another Convention of Delegates from the several towns in the province on the last Wednesday of May, unless governor GAGE should issue precepts for the choice of Representatives, conformably to the charter. If this should be done, the people were advised to elect them accordingly. But after the affair at Lexington, of the 19th of April, they were enjoined to pay no regard to such precepts. And on the 15th of April, this Congress was adjourned, after giving authority to some of its members to call another meeting, if the state of the province should render it necessary.

A few days before this adjournment, governor GAGE made application to some justices of the peace in Bristol county, to provide quarters for two hundred and fifty of the King's troops. Intelligence was immediately given to the Provincial Congress of this request; and it was ordered, that no such provision should be made for them. Whether the object of the Governor in this application was to afford protection to some individuals in that county, attached to the ministerial cause, or to seize on any military stores to be found there, is not certain. A company of the King's troops was also stationed at Marshfield, in the county of Plymouth, for some weeks at this period. These, it was known, were sent to that place, at the request of one of the newly appointed Counsellors, who resided there. The day after the affair at Lexington and Concord, they returned to Boston, by water, just as the militia in the vicinity were collecting to attack them.

Although the conduct of general GAGE was such as to excite apprehensions of his marching the troops, under his command, into the country, for the purposes of plunder or to destroy the military stores which had been collected at different places, yet so unwilling was the Congress of Massachusetts to give any occasion for a formal attack from the British, and so firm in their purpose to act merely on the defensive, that they had delayed calling out the militia or minute men. They had, indeed, given orders for their arming; and measures had also been taken to collect them together at short notice. The day before the troops sallied out from Boston, and made the attack on the citizens of Lexington and Concord, several British officers were seen in Cambridge, and on the road leading to the former places. Congress had adjourned two days before: But the Committee of Safety was convened at Menotomy, in the northwest part of Cambridge,



on the 18th, and gave orders to remove the stores from Concord to Sudbury, and other towns in the vicinity.

Dr. WARREN, who was then in Boston, and whose wakeful patriotism induced him to take measures of precaution, received intimation that an expedition was preparing by the British in Boston; and he employed persons to watch their motions, and give him the earliest notice. About midnight, between the 18th and 19th of April, a large body of the regular troops\* was discovered landing at Lechmere's Point, in Cambridge. WARREN had timely notice, and immediately dispatched expresses to Lexington and Concord, to assemble the militia in the vicinity, to remove or protect the military stores and provisions which had been there deposited. They were also directed to give notice of the approach of the troops, to Messrs. HANCOCK and ADAMS, then at the house of the Clergyman in Lexington. One of these messengers, and some other citizens were detained by the British officers, who met them, on the public highway, in the latter part of the night. But the alarm had been given; and the report that the British troops had left Boston, and would probably proceed to Concord through Lexington, to take possession of the public stores, had collected a number of the militia† under arms, near the centre of this village. Soon after day light, the troops arrived at Lexington; and the officer, perceiving some of the militia, and probably fearing an attack, rode near them, at the head of his men, and calling them "damned rebels," ordered them to disperse. They did immediately retire. But at the instant, an officer fired his pistol; which was probably considered sufficient notice to the soldiers; for they poured a volley of small

\* Said to be about 1000, or 1200.

† Said to be between fifty and sixty.

arms upon the people ; eight of whom were killed on the spot, and several were wounded.

It was reported at the time, that the British were first attacked by the militia. But this was afterwards proved to be a mistake.\* Nor was it scarcely possible, resolute as they were, that the inhabitants should be so desperate as to begin an assault with fifty or sixty in number, upon a full regiment of regular troops, completely armed.

The British troops proceeded, unmolested, to Concord, a distance of six miles beyond Lexington. Here also some militia were assembled, having received early intelligence of their approach. But perceiving the detachment to consist of many more troops than there were of the provincial militia then collected, they retired, to the distance of nearly two miles, and passed a bridge over Concord river ; for the purpose, probably, of present safety and with the expectation of augmenting their number. A part of the British troops followed them to the bridge and passed it also ; but the greater portion of them remained in the village of Concord, and were employed in destroying such provisions and military stores as they discovered. Meantime, the militia received additions to their number, and were eager to return to the village for the protection of the inhabitants, and of the stores belonging to the province : but express orders were given by the commanding officer, that they should not fire on the King's troops, unless first attacked. In pursuance of this plan, it was necessary they should repass the bridge. But a detachment of the British forces was remaining near the spot, which immediately returned over the bridge towards the compact part of the town ; and, by removing some planks, intended to obstruct the

\* When the Provincial Congress assembled, soon after this affair, a most faithful inquiry was made, and it was established by the testimony of more than thirty credible witnesses, that the firing was begun by the British.

progress of the militia. These, however, advanced, with a design to pass the bridge; and in this situation were attacked by the British regulars. The provincial troops then fired, in their turn; and continued the fire occasionally upon this advanced party, until the other British forces came to their support. Finding the militia to increase, the British officer gave orders for his men to return. They were unwilling to acknowledge it a retreat; but had they not speedily retired, the militia from the neighbouring towns, who were collecting in large numbers, and were highly exasperated by these two separate attacks, would probably, have destroyed, or taken the whole battalion.\* They were exceedingly annoyed on their way to the capital. The inhabitants appeared in arms, in great numbers, and hung upon their rear, with a destructive fire until they arrived at Lexington, where a large reinforcement had been sent from Boston to their relief, by governor GAGE. After some pause, which was necessary for those, who had been on duty from the hour of midnight, they returned to Charlestown heights, where they could safely repose, under the cover of their ships of war. The loss of the British in this expedition, in killed, wounded and missing, was little short of three

\* The militia collected and marched even from Salem, the distance of nearly twenty-five miles from Lexington. Notice was received early in the forenoon, of the excursion of the British; and Col. Pickering immediately collected the greater portion of a regiment, and marched, with all possible expedition, through Lynn and Malden, to Medford, with the intention, if circumstances would justify it, to attack the British troops on their return to Boston. It was late in the afternoon when the Salem militia arrived at Medford; and they were in absolute need of immediate refreshment. While this was providing, by the patriotic inhabitants of that village, Col. Pickering and others were collecting information of the situation and force of the British. And when it was ascertained, that they had received a powerful reinforcement from Boston, while it was not known, whether many of the militia from the interior were pursuing them, it was the opinion of the most intelligent citizens, that an attempt, by the Salem militia, to obstruct them in their march to the metropolis, would be desperate and useless. Col. Pickering did every thing, which an active and brave officer, who was at all averse from sacrificing his men, unnecessarily, ought to have done.

hundred ; while those of the provincial militia, killed and wounded, were but eighty-five.

If any of the people in the province had, hitherto, entertained doubts of the hostile intentions of the British troops, or of the determination of ministers in England to pursue their arbitrary measures, even by destroying the lives of the American subjects, they could doubt no longer. All suspense was now removed, and all delusion vanished, on the subject. Dreadful proof was given of the obstinate purpose of the British government to reduce the people in the colonies to a condition of entire subjection to military power, unless they would consent to hold their property and liberty at the will of a most tyrannical administration. Constitutional principles, charter privileges, and natural, indefeasible rights, were wantonly violated or disregarded ; and the doctrine was attempted to be established, that power gives legal authority to govern and control. The patriots of Massachusetts had long been aware of this claim of ministers ; and although they, occasionally, had hopes, that the government of Britain would never proceed to enforce the claim at the point of the bayonet and from the cannon's mouth, they were now convinced, that their most reluctant apprehensions were too well founded. They had long petitioned and remonstrated, but without effect. They had, indeed, been making some preparations for the appalling alternative. But the period had now arrived when all their firmness and patience and efforts were to be put in requisition, for the mighty struggle which they had resolved to make, before they would surrender their civil and political rights. They did not shrink from the contest, unequal as it was : they did not hesitate or waver in the course which they were satisfied it was their duty to pursue.

## CHAPTER XVI.

Provincial Congress meet, and adopt measures of defence—Renounce the authority of general Gage; who declares the colony in a state of rebellion—Proposal to general Gage from Connecticut for negotiation—Disapproved by Congress of Massachusetts—Militia assemble at Cambridge and Roxbury—Application to General Congress for advice and aid—Order through the province—Want of military arrangement—Ticonderoga taken—Clergy patriotic and influential—New Congress last of May—Number of Provincial troops—and officers—Committee of Safety order possession to be taken of Bunker's hill—Battle at Charlestown, June 17th—General Washington takes command at Cambridge.

THE Provincial Congress was called together again on the 22d of April;\* when it was promptly ordered, that 13,000 men be raised and assembled, forthwith; and that the other New England colonies be earnestly requested to furnish more, to be marched to Cambridge, for the defence of the country. They had no hope of safety, they said, “but in a large military force sufficient to strike terror into the hearts of their enemies,” as they now for the first time denominated the British troops; “and they were determined to part with their liberties only at the price of their lives.”

It was enjoined on the selectmen of the several towns to furnish arms to such of the militia as were destitute: and the Treasurer, who had been lately chosen by Congress, was authorised to borrow

\* Mr. Hancock had gone to Philadelphia to attend the Continental Congress; and Joseph Warren was chosen President.



£100,000, for the use of the province. A vote was also passed, denouncing governor GAGE as an enemy to the province, and an instrument, in the hands of tyrannical rulers, to oppress and enslave the people : and it was declared, therefore, that the citizens were no longer under obligations of obedience to his commands. He, soon after, issued a proclamation, declaring the province of Massachusetts to be in a state of rebellion. He might have thought himself bound to make this declaration ; but it could not justify his conduct towards the citizens of Boston, whom he was obligated to treat with good faith, if not with courtesy. At the request of the inhabitants, he agreed that those who were desirous to leave the town, should be permitted, upon depositing their fire-arms in Faneuil Hall : but afterwards he refused permission to them to depart, when they earnestly requested it. Congress remonstrated in vain against this breach of promise ; and the inhabitants of the metropolis were confined among the soldiers, where their sufferings were extreme, and they were exposed to continual insults.

The first of May a Committee was sent from Connecticut to wait on governor GAGE in Boston, and to propose a suspension of all hostile movements, in the hope and expectation that some arrangement might be soon made for negociations to settle the dispute between the colonies and Great Britain. This measure gave great concern to the Provincial Congress of Massachusetts : for they feared the people would be thereby induced to relax in their exertions for self-defence ; and be deceived by the specious promises of the Governor and his friends, to the great injury of the country. A letter was addressed to Connecticut, expressing the views and the fears of the Massachusetts Congress on the subject ; and declaring their thorough conviction that nothing but resolute perseverance in defensive measures would avail, either for present security, or the permanent

establishment of their rights. A Committee was also appointed to meet the gentlemen from Connecticut, on their leaving Boston, after their conference with governor GAGE. The same opinion was expressed to them, which had been given in the communication forwarded to the government of Connecticut: and, fortunately, no suspension or relaxation of exertions followed this pacific but mistaken proposal.

Within a few days after the affair at Lexington and Concord, a large military force was collected at Cambridge and other towns in the vicinity of the metropolis, prepared to oppose any further attempt of the British troops to make excursions into the country. The intelligence of that expedition spread, with great rapidity, through the province, and into the adjoining colonies: and the brave yeomanry promptly armed, as their means would permit, and hastened to the scene of danger, resolved to protect their country, or to perish in the enterprise. And in fourteen days, general GAGE and the British troops under his command in Boston, were surrounded by an army of nearly twelve thousand men. They were not indeed all completely armed; and their military organization was quite imperfect. But there were among them active and intelligent men, who had seen some service in the campaign of 1756, and of several succeeding years; and who were ambitious to instruct the common soldiers in the military art. Some also early joined the Massachusetts militia from New Hampshire and Connecticut.

A statement was made by the Congress of Massachusetts to the Continental Congress, just convened at Philadelphia, of the attack made by the British troops at Concord and Lexington, and of the measures adopted in Massachusetts; and an urgent request was subjoined for assistance from all the other colonies. They apologized for having taken such efficient measures, without consulting the General Congress, from the peculiar exigency of the times,

and the necessity of opposing a check to the depredations of the forces, under general GAGE in Boston, whose hostile intentions were abundantly manifest. The same opinion was expressed, which had been given when they applied to the adjoining colonies, that slavery and ruin inevitably awaited them, unless a competent military force was collected for the defence of the country. The Continental Congress approved of the spirited conduct of Massachusetts, and recommended to the other colonies to raise men to augment the army forming in the vicinity of Boston.

The Provincial Congress of Massachusetts also applied to the General Congress for advice, respecting the form of civil government proper to be established in their novel and peculiar situation.\* They

\* The address of the Congress of Massachusetts was as follows:—  
 “That system of colonial policy, which in the most dutiful and loyal manner, has been remonstrated against, seems still, unless speedily and vigorously opposed by the collected wisdom and power of all America, to threaten ruin and destruction to this continent. For a long time, this province has, by a corrupt administration in Great Britain and here, been deprived of the exercise of those powers of government, without which a people cannot be either happy or secure. The whole continent saw the blow pending, which if not warded off, must inevitably have subverted the freedom of each colony; and roused by a dread of slavery, caused to be collected the wisdom of America in a Congress, composed of men, who must ever be revered as the faithful assertors of the essential rights of human nature. This province was then reduced to the greatest difficulties, being denied the exercise of civil government according to our charter and the fundamental principles of the English constitution; and a formidable navy and army were stationed in our metropolis. The prospect of deciding the question between our mother country and us by the sword, gave us the greatest pain and anxiety: but we have made all the necessary preparation for our defence, that our confused state would admit: and as the question equally affects our sister colonies, we have declined assuming the reins of civil government without their advice and consent: and have hitherto patiently borne the many difficulties and embarrassments necessarily resulting from a want thereof. We are now compelled to raise an army; which, with the assistance of the other colonies, we hope, under the smiles of heaven, will be able to defend us and all America from the further butcheries and devastations of our implacable enemies. But as the sword should, in all free states, be subservient to the civil powers, and as it is the duty of the magistrate to support it for the defence of the people, we tremble at having an army, although consisting of our own countrymen, established here, without a civil power to provide for and control them.”

no longer acknowledged the authority of governor GAGE, or admitted the claim of the mandamus counsellors to the office, to which they had been appointed contrary to the provisions of their charter: nor had the judges been allowed to hold the usual courts, as a majority of them were very obnoxious to the people, from their adherence to the ministerial party. And yet during this period of the suspension of judicial proceedings, and without any settled and legal authority in the province, very few disorders or acts of injustice were known. There seems to have been a general disposition to refrain from all disputes, as recommended by the county Conventions; and the subjects of deep interest, which occupied the minds of the people, left but little leisure for the prosecution of merely selfish or individual concerns.

The Continental Congress, some time after,\* advised the people of Massachusetts to conform to their charter, as far as practicable: To elect Representatives, as it provided; and that the Representatives elect a Council, agreeably to former usage, to exercise all due executive powers, the Governor's chair being considered to be vacated. This was agreeable to the views of the more intelligent and influential citizens of Massachusetts, and precepts were accordingly issued, by the Provincial Congress, for electing Representatives to meet on the first of July.

Meantime, large additions were made to the British army in Boston, by the arrival of fresh troops from England, with several officers of high rank and character. The militia were also pouring into Cambridge and Roxbury, the towns in which the American forces were encamped, from various and distant parts of New-England. The Hon. ARTEMAS WARD was appointed Commander in Chief of the

\* Not, however, till four weeks after the first application, and not until a second urgent request was made to them.

Massachusetts troops; and the Hon. JOHN THOMAS received a commission as Lieutenant General, and commanded the division stationed at Roxbury. There were also large numbers of militia from Connecticut and New Hampshire; among whom was the brave veteran, Col. ISRAEL PUTNAM, justly celebrated for his undaunted courage, and his ardent zeal in the cause of freedom; and the intrepid STARK, who afterwards, by his bold and enterprising conduct, rendered most essential service to the country. But as yet there was no regular and proper organization of the American troops assembled at these places. This was still to be effected: And must have been a labor of no little difficulty. The militia from New Hampshire and Connecticut were not, in fact, under the control of the government or authority of Massachusetts. They were merely volunteer corps. And there was as little settled and certain subordination in the military as in the civil department of the province. This state of things furnishes an apology for the want of more perfect order, and of a more regular and efficient support in the affair of the 17th of June; which took place before there was a due organization of the American forces.

Had governor GAGE marched all the British under his command into the country, immediately after the expedition to Concord, and before the Committee of Safety had time to collect the militia of the province, or reinforcements had arrived from the neighboring colonies, great destruction might have been made of the public stores and property. They would not, probably, however, have been able to penetrate very far into the interior. For the militia, who had been arming for several months, would have so annoyed them, as to oblige them to return, without effecting extensive or permanent evils. But the British General chose not to risk any thing by such an expedition: And he was daily expecting new recruits from England, to enable him to engage in offensive



operations. He knew something, too, of the resolution and bravery of the Americans, and did not hold them in such low estimation as did some of his younger officers.

Early in the month of May, the fort of Ticonderoga was surprised and taken by a party of volunteers from Connecticut and Vermont, under Col. E. ALLEN; and the cannon and other military stores were transported to Cambridge for the use of the American army. They were considered a great acquisition, as there was a deficiency of these necessary articles in the province; nor could they be procured, to any considerable amount, from the other colonies.

When the Clergy met in Convention the last of May, they made an offer of their services as chaplains for the provincial army. The proposal was for several of them to attend in rotation for a short period. The offer was readily accepted by Congress; and the Clergy gave their attendance accordingly. Those of the Congregational order, especially, and they were a great majority in the province, very generally approved of the course pursued for the defence of civil liberty; and generously exerted themselves in promoting the measures proposed by the patriotic statesmen, who then led in the councils of Massachusetts.

The Provincial Congress was dissolved on the 27th of May: But they had previously proposed to their constituents to choose other delegates to meet on the last Wednesday of the same month. For no advice had then been received from the General Congress respecting the form of civil government most proper to be established; but it was communicated a few days after. This Congress consisted of two hundred and forty-five members, and the Hon. JOSEPH WARREN was chosen President. The Committee of Safety, which had extensive executive powers, was composed of thirteen members: And

in the absence of Mr. HANCOCK, who was then at Philadelphia, attending the Continental Congress, Mr. WARREN was also elected chairman of that Board. The great object of Congress and of this committee now was to organize the troops encamped at Cambridge and Roxbury, and to provide, as far as possible, for their efficient equipment. The Committee of Supplies was enjoined to make enquiries, and procure all the fire arms and military stores which could be obtained. The regiments were filled up, and the proper officers of every grade were appointed and commissioned. For there was now a strong expectation, that general GAGE would make a formidable attack upon the American troops, with a view to their dispersion; which would have a most disastrous effect, and perhaps prevent collecting another force for their defence and safety. Orders were given to the general officers and others, to make returns of the number and state of the provincial army. And it appeared that there were twenty-two regiments complete, consisting of ten companies each, and containing sixty men; and three regiments incomplete.\* But all the privates were

\* The field officers in General Ward's regiment, were Jona. Ward, lieut. col.; Edward Barnes and Timothy Bigelow, majors—In General Thomas' regiment, John Bailey, lieut. col.; Thomas Mitchell and John Jacobs, majors—In Colonel Theo. Cotton's regiment, Ichabod Alden, lieut. col.; Ebenezer Sprout, major—In Colonel Timothy Walker's regiment, Nathaniel Leonard, lieut. col.; Abiel Mitchell, major—In General Heath's regiment, John Greateon, lieut. col.; J. Vose and J. Loring, majors—In Col. Ebenezer Bridge's regiment, Moses Parker, lieut. col.; John Brooks, major—In Col. W. Prescott's regiment, John Robinson, lieut. col.; H. Wood, major—In Col. Thomas Gardiner's regiment, William Bond, lieut. col.; M. Jackson, major—In Col. John Mansfield's regiment, Israel Hutchinson, lieut. col.; Ezra Putnam, major—In Col. Joseph Read's regiment, Ebenezer Clap, lieut. col.; Calvin Smith, major—In Col. Asa Whitcomb's regiment, J. Whitney, lieut. col.; Ephraim Sawyer, major—In Col. J. Frye's regiment, J. Brickett, lieut. col.; Thomas Poor, major—In Col. Timothy Danielson's regiment, William Sheppard, lieut. col.; D. Leonard, major—In Col. John Patterson's regiment, Seth Read, lieut. col.; J. Cady, major—In Col. Ebenezer Learned's regiment, Danforth Keyes, lieut. col.; Jonathan Holman, major—In Col. John Fellows' regiment, N. Eager, lieut. col.; Benjamin Tupper, major—In Col. Ephraim Doolittle's regiment, B. Holden, lieut. col.; W. Moore, major—In Col. Jona.

not properly equipped: And of military stores, of some descriptions, there was not a sufficiency to enable the troops to maintain a very long contest. The most which could be reasonably expected, under such circumstances, was to defend the province, and to prevent the British troops from invading the inland towns.

From the preparations making by the British, at this time, as well as from some intelligence received from Boston, it was believed that general GAGE intended to take possession of the heights of Charlestown and Dorchester, that he might have more extensive accommodations for his troops, and be the better enabled, at some favorable moment, to make an attack on the American lines. On the 15th of June, the Committee of Safety gave directions for the provincial troops to be in constant readiness for action; and that notice be given also to the militia, to prepare for a sudden march to Cambridge, and to go armed to the places of public worship on the Sabbath. It was also proposed to take immediate possession of Bunker's hill in Charlestown, and of the heights on the eastern peninsula of Dorchester, opposite the south east part of Boston. It was, however, finally determined to order troops only to Bunker's hill; and, if possible, to keep possession of it; while it was left to the council of war to adopt such measures, with respect to Dorchester neck, as they might judge best for the security of the country.

Brewer's regiment, W. Buckminster, lieut. col.; N. Cudworth, major—In Col. D. Brewer's regiment, R. Putnam, lieut. col.; N. Danielson, major—In Col. R. Woodbridge's regiment, A. Brown, lieut. col.; W. Stacy, major—In Col. John Glover's regiment, John Gerry, lieut. col.; G. Johonot, major—In Col. Moses Little's regiment, Isaac Smith, lieut. col.; J. Collins, major—In Col. John Nixon's regiment, Thomas Nixon, lieut. col.; J. Buttrick, major—In Col. J. Scammon's regiment, J. Moulton, lieut. col.; D. Wood, major—In Col. S. Gerrish's regiment, Loammi Baldwin, lieut. col.; James Wesson, major—William Henshaw and Samuel Brewer acted as Adjutant Generals; one at Cambridge, and one at Roxbury.

Accordingly, in the evening of the 16th, a body of provincial troops, of about twelve hundred, proceeded to the highlands of Charlestown; and by the morning light had prepared a redoubt and a line of circumvallation on the eminence south of Bunker's hill, nearer to the shores of Charles river, and opposite to Boston. They were, soon after this, discovered by the British; and a ship of war, lying in the stream, opened a heavy fire upon them. They were also annoyed by the battery on Copp's hill, the northern eminence of Boston, possessed by the enemy; and by the fire from a sloop of war, several tenders and a floating battery; which soon came up on the south side of Charlestown neck, and played upon the American troops at the newly made redoubt, and attempted also to prevent recruits passing on to the heights for the support of the detachments there, now much exhausted by many hours of incessant labour. By twelve of the clock the fire was general, and from various directions; and no reinforcements had been received from the main body of troops at Cambridge.

At two o'clock, a large body of the British troops, estimated at nearly 3000, crossed Charles river, and landed at Morton's point, in a direction southeast of the redoubt recently thrown up by the provincial militia. They were commanded by general HOWE. The provincials were under the command of colonel PRESCOTT. There were also now added to the American forces, notwithstanding the danger of passing the peninsula leading to the heights, some militia from Connecticut and New Hampshire.\* The former, who first arrived, took a stand on the eastern declivity of Breed's hill, where the redoubt was made; and prepared a feeble breastwork, by means of a common rail fence, and the newly mown grass. After a short pause, occasioned by their forming in

\* The New Hampshire troops did not arrive till a later hour.

such manner, as was deemed most proper and formidable, the British marched up the hill, with a view to storm the entrenchment, where PRESCOTT and the Massachusetts forces were chiefly concentrated; and also with the apparent design of forcing the Connecticut troops on the left to retire, and thus to attack the redoubt in the rear. They proceeded with great eagerness and precipitancy near to the provincials, and kept up a constant fire, but without much effect; while these reserved their fire, by order of their brave and judicious commander, until the enemy approached within a short distance of the entrenchment; and then suddenly poured such a volley of small arms into the ranks of the British troops, that they were thrown into great disorder, and retreated with precipitation. They were, however, soon rallied by their officers, and returned to the assault; but were again obliged to retreat from before the destructive fire of the Americans. Meanwhile, additional troops arrived from Boston, consisting partly of artillery, and accompanied by another general officer of the British army. Joined with general HOWE, he immediately ordered another attack; and they animated their men by their own personal bravery and activity. But few recruits had arrived in aid of the provincials:\* They were exhausted by long fatigue, and their ammunition was expended. Overpowered by numbers, and destitute of all means of annoyance, or defence, these brave and resolute men were obliged to retreat; not, however, until they had displayed the most undaunted courage, and given full proof, that the militia of Massachusetts could vie with the disciplined troops

\* These were some companies belonging to New Hampshire, which marched from Medford late in the afternoon, and bravely forced their way over the neck, notwithstanding the galling fire from the British vessels. A corps of artillery was also ordered to support the American troops at Charlestown heights. They passed the peninsula; but the cannon were unfit for service; it was also late when they arrived; and no important aid was afforded by them.



of Britain, and were prepared to risk every thing in defence of their liberties.

Although victory eventually attended the British arms, in this early contest, it was dearly purchased. Their loss, of killed and wounded, was estimated at *one thousand and fifty-four*; about *ninety* of whom were commissioned officers. But of the provincials, the killed and mortally wounded, did not exceed *four hundred and twenty*.\* General JOSEPH WARREN was among the slain. He was, a few days before, appointed a Major General, but had not received his commission, and had no particular command on this occasion. Nor had he resigned his place, as President of the Provincial Congress. But such was the ardor of his feelings, and the intense-ness of his patriotism, that he hastened to the field of battle, early after receiving intelligence of the attack by the British, to witness the destructive scene, and to encourage his fellow citizens in their perilous situation, when so much depended on the result of the contest. His death was deeply lamented: For he was considered one of the most decided and resolute characters in the whole province.

Major MOORE of Massachusetts, and major M'CLEARY of New Hampshire, were also among the slain: And colonel GARDINER and lieut. colonel PARKER died a few days after, of the wounds received on this occasion. Colonel ISRAEL PUTNAM of Connecticut, afterwards a Major General in the continental army, was on the field of action, towards the close of the engagement; but had no specific command in the action. For the whole expedition was one of sudden undertaking: And the only regular and distinct designation was that of colonel PRESCOTT, who had command of the troops, which took possession of the ground on the evening of the 16th. His activity and courage would have done honor to

\* One hundred and fifteen were killed; three hundred and five wounded; and about thirty were taken prisoners.

the most celebrated veteran in the British army. PUTNAM was with the last of the provincials, who left the heights; and was very attentive and judicious in conducting the retreat. Within four hours from the time the British landed on Charlestown side and began the attack, they were in full possession of the redoubt and the adjacent heights. The horrors of this bloody scene were increased by the conflagration of Charlestown; which then contained nearly five hundred dwelling houses, besides other buildings; and was believed to be purposely fired by the British, to add to the panic which their famed prowess had excited in the breasts of a portion of the people. But the effect was rather to excite indignation, than to inspire fear.

The American forces retired to Cambridge and to Winter hill, situated in the north-west part of Charlestown; and by direction of general WARD, entrenchments were begun for their security. Late in the afternoon, the British began a heavy cannonade from their fortifications at Boston neck, on the provincial camp in Roxbury, and continued it, with very little interruption, for twenty-four hours; but without effecting any material injury.

The affair of the 17th of June, at Bunker's hill, served still more to convince the British of the courage and strength of the American soldiers. It was impossible they could any longer undervalue their spirit and resolution. It was only on the want of military stores in the country, that they could calculate for success in any future expedition. Had they immediately marched out from the capital, with all their forces and their heavy artillery, they might have obliged the Americans to retire to a distance; have destroyed or taken much of their scanty military stores, and done great injury to the inhabitants. And yet the reverse of all this might have been the alternative: of which they were, probably, apprehensive. They already had many wounded troops to

be taken care of; and they had reason to believe, that the provincials were numerous and desperate, although not well equipt. And another battle, like that at Charlestown, even if they were victorious, would leave them but a feeble army unprepared to sustain an attack from the militia, who, after a few days, would be double or treble their present number.

On the day of the battle at Charlestown, the Congress of Massachusetts appointed a large committee to procure provisions; and to collect fire arms, to the amount, if possible, of 10,000. And the following day, orders were issued by the Committee of Safety, to the commanding officers of the militia, within twenty miles, to march immediately to Cambridge. Col. JAMES WARREN was chosen President of Congress, on the 19th, when it was ascertained that general JOSEPH WARREN had been killed at Charlestown. On the 20th, colonel HEATH was appointed a major general in the Massachusetts army; and a few days after, colonel GRIDLEY was appointed chief engineer, with the rank of major general.

The Congress of Massachusetts immediately addressed letters to Connecticut, Rhode Island and New Hampshire, soliciting, in the most urgent manner, new levies of troops to be sent to Cambridge with all possible dispatch. They stated, that the British troops, then in Boston, amounted to upwards of ten thousand; and that recruits were daily expected from England: And that it was very probable a formidable attack would be made on the lines of the provincial camp, which, if successful, must carry distress to distant parts of the country, and perhaps occasion a disaster which would be irretrievable on the part of the colonies. Their troops, they said, were not all well armed; and they conceived, that an additional force was absolutely necessary to prevent the British from penetrating into the very heart of the province. They made application to the Continental Congress, at the same

time, and requested that a General in Chief might be appointed to command the whole American forces, who should be directed to repair to Cambridge. They had some time before, and soon after the affair at Lexington and Concord, suggested the propriety of such a measure.

On the 15th of June, the General Congress, being in session at Philadelphia, it was resolved to appoint a commander in Chief of the American army; and colonel GEORGE WASHINGTON of Virginia, was, thereupon, elected, by a *unanimous* vote. On the 17th, ARTEMAS WARD and CHARLES LEE were chosen Major Generals; and HORATIO GATES, Adjutant General. The next day, it was voted to have two additional Major Generals, when PHILIP SCHUYLER and ISRAEL PUTNAM were appointed; the latter, unanimously, as stated in the Journal of Congress. Eight Brigadier Generals were also elected, at this time, by the General Congress; three of whom belonged to Massachusetts; SETH POMROY, JOHN THOMAS and WILLIAM HEATH.

When general WASHINGTON was on his journey to the camp in Cambridge, to take command of the American forces collected there, the Provincial Congress of Massachusetts appointed a committee to meet him at Springfield, the southern limits of the province: And on his arrival, the second of July, they presented an address to him, expressing their entire confidence in his ability and patriotism, and declaring their readiness to afford him all possible aid, in his efforts to defend the country against the hostile purposes of the British troops. The reply was characteristic of that extraordinary man; and indicated all that intelligence, prudence and firmness, for which his whole public life was so remarkable.\*

No attack was made by the British in Boston, after this, on the American lines, and no attempt to invade any other parts of the province. Though

\* See Note, No. VI. in the Appendix.

they had a large military force, with several officers of high rank, famed alike for experience and bravery, they did not see fit to make an assault on the colonial troops. These had now become organized; and although deficient, in a great measure, in military articles, they were known to possess resolution and courage, which would make amends for any such defects.

The Congress of Massachusetts remained in session until the 1<sup>st</sup> of July, when the Representatives assembled, who had been chosen to form a House of Assembly, agreeably to the advice of the Continental Congress, and in conformity to the provisions of their charter. The most of those who had been members of the Provincial Congress, were returned for Representatives; and the whole number elected by the people was *two hundred and six*. They proceeded immediately to the election of Counsellors, who were to act as one branch of the Legislature, and also to exercise the powers of the executive part of the government. And the following citizens, distinguished for their wisdom and patriotism, were then chosen: J. BOWDOIN, J. HANCOCK, B. GREENLEAF, J. GERRISH, M. FARLEY, J. FOSTER, J. PALMER, J. FISHER, J. PITTS, C. CUSHING, J. WINTHROP, J. ADAMS, J. PRESCOTT, T. CUSHING, B. LINCOLN, A. ORNE, S. ADAMS, W. SEVER, E. TAYLOR, W. SPOONER, J. OTIS, R. T. PAINE, B. CHADBURN, E. FREEMAN, C. CHAUNCEY, J. TAYLOR, M. GILL, and S. HOLTEN.

The House of Representatives afterwards resolved, that, "as the charter provided the Council, or the major part of them, in the absence of the Governor and Deputy Governor, should have and exercise all the authority, which the Governor or Deputy Governor could lawfully exercise; and as the late Governor and Deputy Governor had absented themselves, and refused to govern the province according to the charter, until the said Governor or Deputy Governor



should return to his or their duty, or some Governor be appointed to govern the province according to the charter, they would consider the *Constitutional* Council, or the major part of them, as the Supreme Executive, and would acquiesce in whatever they should constitutionally do in that capacity."

Civil government now assumed a more settled and regular form in the province; and the patriotism and moral principles of the people induced them to render prompt obedience to the requisitions of the General Assembly. It was not until several months after this time, however, that the Judicial Courts were organized, and proceeded to the ordinary business of that department of government.

The provincial troops, with others collected at Cambridge and the vicinity, were formed into a regular, continental army, under the military Chief, whose virtues were as estimable as they were splendid. The greatest exertions were made in the common cause of freedom, and for the common defence of the country: And although the sacrifices and privations occasioned by the struggle, were peculiarly distressing, the inhabitants did not shrink from the perilous enterprise. And through their wonderful constancy and bravery, civil and political blessings were secured, which it is ardently hoped, will be duly appreciated, and transmitted to the latest posterity.



## APPENDIX.

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No. I.—Page 75.

THE paper intended to be here inserted, (but which has been mislaid,) was written by a distinguished member of the House of Representatives, to one of the Governor's political friends on the supremacy of Parliament. The occasion was the unexpected prorogation of the Assembly by governor BERNARD, before they had time to reply to a labored message from him on that subject. The writer was supposed to be Mr. S. DEXTER. He took the ground which Mr. OTIS had previously done, in his "Rights of the Colonies;" admitting the supremacy of the British Legislature, and granting its authority to be superior to all other in the kingdom; but insisting that this power was not unlimited, since *absolute* supremacy belonged *only* to that Being, who was perfect in wisdom, justice, and goodness, as well as power; that there were certain rights belonging, *naturally*, to men, either as individuals, or as members of society, with which no government could justly and rightfully interfere: That in society even, some rights and some power remained, to be exercised by the individual citizens, or by any portion of them, for their own particular and immediate advantage; and which they might grant to their rulers, or not, as they might see fit. None but men of arbitrary principles, he said, would

contend for a right in Parliament to do every thing and require every thing of the subjects, without regard to justice, equity and the general welfare. In speaking of the natural and unalienable rights of man, he was more full and explicit in asserting, that the people were the source of all legitimate power, from whom it ought to emanate, and for whose sole good it was to be exercised. The supreme authority of the British Parliament, he contended, therefore, was to be limited by constitutional principles; and that, when it was not exerted agreeably thereto, it became unreasonable and arbitrary, and was an *usurpation*. The contrary doctrine, he argued, would justify the most tyrannical and oppressive laws, and the subjects could have no remedy or preventive against absolute slavery. Adverting to the great political maxims recognized in *Magna Charta*, and more fully acknowledged in the revolution of 1688, and which had also been received as incontrovertible in Massachusetts, from its first settlement, he urged, with earnestness and force, the essential principle of a representative government; that power resided, originally, in the people; that both the *legislative* and executive departments were, therefore, controllable by the will of the citizens, duly and deliberately expressed; and that, when power was exercised, which had not been delegated, and was not regulated by considerations of justice and the common good, it ceased to be legitimate, and was to be considered despotic and tyrannical. On this ground, he considered the assumption of authority in the British Parliament, in which the people of the province were not represented, to make laws for them, and to lay taxes and duties, without their consent, to be altogether arbitrary and unjust. And he failed not to refer to the charter of Massachusetts, by which the powers of internal government were expressly granted or recognized, and the provisions of which the patentees had never violated.

## No. II.—Page 84.

EXTRACTS from the replies of the above named Noblemen—Lord POULETT said, “If any thing could add to the satisfaction which I have all along found in defending, to the utmost of my ability, the rights and privileges of the colonies, it is the public mark of favor, which you have been pleased to transmit me, by order of your Assembly, signifying their approbation of my conduct. At the same time, I must confess it was no more than the duty I owed to our mother country required of me, whose interests are so closely interwoven with her colonies, that I cannot look upon them in any other light than as inseparable. Permit me to return the Assembly my sincere thanks for the honor they have conferred on me, and to assure them that I can never consider myself as a friend to Great Britain, without being a friend to them. Fixed in these sentiments, I conclude with a most earnest prayer that Great Britain and her colonies, in future, may never have any jarring interests.”

Sir J. SAVILLE—“I beg you to express for me the high sense I have of the honor done me by the public approbation of the House of Representatives, of my conduct in the late important measures—the manner of doing this, I leave with you, only requesting, that it may be such as best to testify my regard and respect for the House, the value I set on their approbation, and the zeal I shall always retain for the true interests of Great Britain and her colonies. I conceive their interests to be so inseparable, that it is impossible to lose sight of the one, if one truly consults the other. And I persuade myself you will agree with me in thinking, that whoever inculcates a contrary doctrine, must be at least a sadly mistaken friend to one, if not indeed a fatal enemy to both.”

GEORGE COOK, Esq.—“I beg the favor of you, Sir, to return my grateful thanks to the House, and to assure them of my constant attention to the welfare and support of the British colonies, and of their rights and privileges; and that I have



received this signal mark of their esteem, with the more satisfaction, as it flows from the Representatives of loyal and free subjects."

Hon. GEORGE HOWARD—"I can safely aver that the principles I acted upon were dictated by the real sentiments of my heart. I shall ever retain the most grateful and lively sense of so flattering a distinction, which will not fail to produce one of the most pleasing recollections of my life. I beg you to assure the House of the sincerity of these sentiments, and that I shall always be most anxious to promote and cement, as far as I am able, the united interests of Great Britain and her colonies."

Mr. DOWDESWELL, Chancellor of the Exchequer—"Let me beg you, to assure the House of Representatives, of the grateful sense I have of the favorable opinion they are pleased to entertain of me, and that I shall always esteem it my duty to promote, as far as my poor abilities will enable me to do it, the general interests of Great Britain and her colonies."

General CONWAY—"I beg you to assure the House of Representatives, that I am truly sensible of this great honor conferred on me, and that I shall always be happy, when my public conduct may be thought, in any degree, to merit the approbation of so respectable a body."

Lord EDGCOMBE—"I am as sensible of the little claim I have to so distinguished a mark of their favor (the House of Representatives) as I am of the honor it does me to receive it; and I hope no conduct of mine will ever give them cause to change the favorable opinion they have been pleased to entertain of me; as no man wishes more sincerely a perfect harmony between the mother country and her colonies, or will be more ready to promote the real interest of both."

J. BARRE, Esq.—"It gives me the greatest pleasure to find that my poor endeavors in Parliament have been thought deserving the public approbation of so respectable a body. I am highly sensible of the honor they have done me, and beg you to assure them that I shall seize every occasion to promote the interests of the colonies, and to cultivate that union

and harmony, which at present so happily subsists between them and the mother country.”

Duke of NEWCASTLE—“Nothing does me greater honor, or gives me more satisfaction, than to find that my endeavors for his Majesty’s service, for the honor, prosperity and welfare of all his dominions, meet with the approbation of those concerned in them. It has always been my utmost endeavor, during the long course of my being in the service of the public, to promote, to the best of my abilities, the true interest of his Majesty, his royal family, and, as essential to it, the welfare and prosperity of all the British colonies, and their happy connexion with the mother country, so necessary to both. It was with great pleasure, that I saw his Majesty and his Parliament had thought proper to remove some inconveniences, which I always feared might prove prejudicial to both. And nothing gives me more comfort than to find that those measures have met with the proper returns to the King, and a due sense of their obligations to their mother country. As these have been the motives of my conduct, the colonies may depend, that in whatever station I am, I shall always act on the same principles.”

Lord SHELburnE—“I have had the honor to receive a vote of the House of Representatives, approving my conduct at the last session of Parliament. It was founded on principles of general public good, applied to the important points then laid before Parliament. I beg you to assure the House, that I esteem their approbation a very great honor, and of my sincere wishes for the prosperity and welfare of the province.”

Duke of RICHMOND—“Permit me to desire that you would make known to the House of Representatives, the high sense I have of the honor they have done me in the vote of thanks which you transmitted me. Such a mark of their approbation of my conduct in relation to the British colonies, is very flattering to me. For though I can claim no other merit than that of heartily concurring in the important points which were so resolutely carried through by the administration: Yet it is a great satisfaction to me to find, that I was right

in my persuasion, that those measures would not only restore tranquility to the colonies, but produce great benefit to them and returns of gratitude to the mother country. In whatever station I may be, it will be my wish to see the prosperity of his Majesty's American dominions rise to the greatest height, both on their account, and because of the advantages that must necessarily result from thence to the mother country."

Mr. PITT, Earl of CHATHAM—"The honor of your letter, communicating to me a public testimony of so high a nature, found me in a severe fit of the gout, which long disabled me from using my hand. Give me leave now to offer my humble acknowledgments, and to assure you, that though late, they are not less warmly dictated by a sense of respectful gratitude towards the House of Representatives of Massachusetts. They will allow me to add, that I shall always esteem myself particularly fortunate, whenever the just discharge of my duty here, meets with approbation in America."

The agent in England observed, in a letter to the Speaker of the House of Representatives, "that Lord STANHOPE and Mr. Speaker ONSLOW were particularly pleased with the vote of thanks—their hearts are warm in your cause; and the Speaker desired me to assure your House he esteemed it the highest honor which could be conferred on him."

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No. III.—Page 213.

SOME part of this reply of the House is worthy of insertion, as it fully discovers the spirit and feelings of the people in this season of alarm and distress—"When complaints are made of riots and tumults, it is the wisdom of government, and it becomes the Representatives of the people, especially, to inquire into the real causes of them. If they arise from oppression, as is often the case, a thorough redress of grievances will remove the cause, and, probably, put an end to the complaint. It may be justly said of the people of this province,

that they seldom, if ever, have assembled in a tumultuous manner, unless they were oppressed. It cannot be expected, that a people, accustomed to the freedom of the English constitution, will be patient while they are under the hand of tyranny and arbitrary power. They will discover their resentment in a manner which will naturally displease their oppressors; and, in such a case, the severest laws and the most rigorous execution, will be to little purpose. The most effectual method to restore tranquility, would be to remove their burdens, and to punish all those who have been the procurers of their oppression.”—“The instance your Honor recommends to our attention, admitting it to be true, cannot be more threatening to government, than those enormities which have been known to be committed by the soldiery of late; and have strangely escaped punishment, though repeated, in defiance of the laws and authority of government.”—“A military force, posted among the people, without their express consent, is itself one of the greatest grievances, and threatens the total subversion of a free constitution; much more, if designed to execute a system of corrupt and arbitrary power; and even to exterminate the liberties of the country. The Bill of Rights, passed immediately after the Revolution (of 1689) expressly declares, that the keeping of a standing army within the kingdom, in a time of peace, without the consent of the Parliament, is against law: And we take this occasion to say, with freedom, that the keeping of a standing army, within this province, in a time of peace, without the consent of the General Assembly, is equally against law. Yet we have seen a standing army procured, posted and kept within this province, in a time of profound peace, not only without the consent of the people, but against the remonstrance of both Houses of Assembly. Such a standing army must be designed to subjugate the people to arbitrary measures. It is a most violent infraction of their natural and constitutional rights. It is an UNLAWFUL ASSEMBLY, of all others the most dangerous and alarming: And every instance of its restraining the liberty of any individual, *is a crime, which infinitely exceeds what the law intends by a riot.* Surely then

your Honor cannot think this House can descend to the consideration of matters, comparatively trifling, while the capital of the province has so lately been in a state of actual imprisonment, and the government is under duress.”—“ We shall not enlarge on the multiplied outrages committed by this *unlawful assembly*, in frequently assaulting his Majesty’s peaceable and loyal subjects, in *beating and wounding the magistrate* when in the execution of his office; in rescuing prisoners out of the hands of justice; and finally, in perpetrating the most horrid slaughter of a number of the inhabitants, but a few days before the sitting of this Assembly. Yet not the least notice has been taken of these outrageous offences; nor can we find the most distant allusion to the late inhuman and barbarous action, either in your speech at the opening of the session, or in this message to both Houses. These violences, so frequently committed, added to the most rigorous and oppressive prosecutions, carried on against the subjects, grounded on unconstitutional acts, and in the Courts of Admiralty, uncontrolled by the Courts of Common Law, have been justly alarming to the people. The disorder, which your Honor so earnestly recommends to the consideration of the Assembly, very probably took its rise from such provocations. The use, therefore, which we shall make of the information in your message, shall be to inquire into the grounds of the people’s uneasiness, and to seek a radical redress of their grievances. Indeed it is natural to expect, that while the terror of arms continues in the province, the laws will be, in some degree, silent. But when the channels of justice shall be again opened, and the law can be heard, the person who has complained to your Honor will have a remedy. We yet entertain hope, that the military power, so grievous to the people, will soon be removed from the province: Till then, we have nothing to expect, but that tyranny and confusion will prevail, in defiance of the laws of the land, and the just and constitutional authority of government.”



No. IV.—*Page 237.*

THEY referred to the acts of Parliament for raising a revenue in America, without the consent of the Colonial Assemblies; which were considered arbitrary and unconstitutional; to the methods used for obtaining the repeal of those acts, which were petitions and remonstrances, which they had a constitutional right to do, but which had given great offence to administration, in consequence, as they believed, of exaggerated statements sent over from the province. They observed, that Massachusetts had been more directly and severely censured than any other colony; and was viewed by ministers as leaders in the opposition to oppressive laws: They acknowledged they had early, decidedly and uniformly opposed these acts, but had not been ambitious of taking the *lead* in such opposition. They said, they had been represented as factious, and troops had been accordingly stationed in the province, by advice of those who ought to have endeavored to conciliate the people; and thus a great alarm prevailed, and a scene of confusion had been witnessed for several months, which had ended in the blood and slaughter of several of his Majesty's good subjects in the province. They complained of the independence of the military on the civil authority; and stated, that the Lieutenant Governor had declared he had no power over the King's troops. Against this, they protested, as an unconstitutional act, and as most alarming to those who had enjoyed, and were entitled to the blessings of a free government. They spoke also of the surrender of the castle, by the Lieutenant Governor, in obedience to ministerial instructions, to an officer of the British troops, who was not under the control of the Legislature: And they adverted to the evils to be feared, from having instructions given them by ministers, to suspend the laws of the province, and contrary to the provisions of the charter; in which case they must be subject entirely to the arbitrary will of royal agents. These instructions, they also

stated, were not published, nor made known to the General Court; so that absolute despotism was likely to ensue: They knew not the will of administration, they said; and were not allowed to be heard in their own vindication, when unjustly accused: Of the permanent quartering of troops among the people, and of the powers of Courts of Admiralty, they also loudly complained; and quoted some clauses of Magna Charta, which were directly violated by these ministerial measures: They had petitioned and remonstrated against these evils; but without effect: And were threatened with still greater oppression, in having the tribute extorted from them, applied to the support of all the officers of the crown, the Governor, Judges and Attorney General; by which they would be made independent of, and indifferent to the interests and liberties of the people, and the fit instruments of arbitrary power: They feared the consequences of these repeated and numerous acts of oppression would entirely alienate the affections of the people from the parent government; and they entreated him to use his utmost ability, to vindicate the province, and to restore harmony between England and America, consistently with the rights and liberties of the latter. Under date of February, 1771, Dr. FRANKLIN replied as follows:

“The doctrine of the right of Parliament to lay taxes on America, is now almost generally given up here; and one seldom meets in conversation with any who continue to assert it. But there are many who still think the dignity and honor of Parliament and of the nation is so much engaged, as that no formal renunciation of the claim is ever to be expected. We ought to be contented, they say, with a forbearance of any attempt hereafter to exercise such right: And this they would have us rely on as a certainty. Hints are also given, that the duties, now subsisting, may be gradually withdrawn, as soon as a due regard to that dignity will permit it to be decently done, without subjecting government to the contempt of all Europe, as being compelled into measures by the refractoriness of the colonies. How far this may be depended on, no one can say. The presumption rather is, that if by time we become so accustomed to these, as to pay them without dis-

content, no Minister will afterward think of taking them off; but rather be encouraged to add others.

“Perhaps, there never was an instance of a colony so much and so long persecuted with vehement and malicious abuse, as Massachusetts has been for two years past, by its enemies here, and those who reside in it. The design probably was, by rendering you odious, as well as contemptible, to prevent all concern for you by the friends of liberty here, when the project of oppressing you further, and depriving you of your rights, by various violent measures, should be carried into execution. Of late, this abuse has abated; the sentiments of a majority of ministers, I think, have become more favorable towards America: And I have reason to believe, that all these projects are now laid aside. It is too early yet, perhaps, to expect such attention to our complaints, as would be necessary to obtain an immediate redress of our grievances. A little time is necessary: But no opportunity will be lost by your agents, of stating them, when it may be of use, and of inculcating the necessity of removing them, for the strength and safety of the whole empire. And I hope the Colonial Assemblies will shew, by frequent and repeated resolves, that they know their rights, and do not lose sight of them. Our growing importance will, before long, compel an acknowledgment of them; and establish and secure them to our posterity.

“Lord HILLSBOROUGH has objected to the appointment of an agent by the House of Representatives, and contends, that none ought to be attended to by government here, unless appointed by an act of the General Court, to which the Governor gives his assent. This would, in a manner, give to ministers the power of appointment, or at least the power of negating any choice of the House; as it would be easy for them to instruct the Governor to assent to the appointment of such men only as were agreeable to them. Of what use such agents would be, it is easy to judge. The Secretary, I believe, would be glad to be rid of them altogether; being of opinion, as he has sometimes intimated, that they are unnecessary; and that whatever is to be transacted between the

Colonial Assemblies and the government here, may be done through and by the Governors better and more properly, than by any agent whatever. Your late appointments of Mr. LEE and myself have not been at all agreeable to him.

“I propose to draw up a memorial, stating our rights and grievances; and, in the name and behalf of the province, protesting particularly against the late innovations in respect to the military power obtruded on the civil, as well as other infringements of the charter; and, at a proper time, to present it to his Majesty in Council. Whether speedy remedy be, or be not, the consequence, I imagine it may be of good use to keep alive our claims; and shew that we have not given up the contested points, though we take no violent measures to obtain them.

“A notion has been much inculcated here by our enemies, that any further concessions on the part of Great Britain, would only serve to increase our demands. I have constantly given it as my opinion, that if the colonies were restored to the state they were in before the Stamp Act, they would be satisfied; and would contend no further. As, in this, I have been supposed not to know, or not to speak the sentiments of the Americans, I am glad to find the same so fully expressed in the Committee’s letter. It was certainly, as I have often urged, bad policy, when they attempted to heal our difficulties by repealing part of the duties only; as it is bad surgery to leave splinters in a wound, which must prevent its healing, or, in time, occasion it to open afresh.

“There is no doubt of the intention to make the Governor and some other officers independent of the people for their support: And that this purpose will be persisted in, if the American revenue is found sufficient to defray the salaries. Many think this so necessary a measure, that even if there were no such revenue, the money would issue out of the treasury here.”

Extract from a letter of ARTHUR LEE, London, Dec. 29, 1770.—“The approbation of a free people, I shall ever esteem the most desirable; and their service the most honorable. More especially honorable is the generous confidence

of a representative body, who have uniformly asserted the constitutional rights of their constituents, and, eventually, of all America, against the insidious and incendiary acts of government, with a dignity, discernment and wisdom, which have forced the applause of the present, and will secure to them the veneration of all future times.

“Feeling the same zeal for the sacred cause of American liberty, which eminently animates your House, and having a lively sense of the *peculiar* oppressions of your province, I may venture to assure you, that if ever the trust should devolve on me out of abler hands, in which their wisdom has placed it, I will, to the utmost of my power, watch over their rights, co-operate with them to obtain a redress of grievances, and to fix our constitution on a clear and permanent foundation.

“It is, however, incumbent on me, and I willingly embrace this opportunity of declaring, that, as far as I can judge, America must depend on herself for obtaining the security she wishes. From this country, a secondary support only is to be expected; and that proportioned to the vigilance and virtue with which we sustain our own cause. It appears to me, that nothing can be more necessary to our own welfare, than that this trust should be well understood, lest too much confidence in others should lull us into a fatal security, or slacken those patriotic exertions, which, to be effectual, must be ardent and unremitting. America must work out her own salvation. From the system of government in this country, and from the principles of those men who are like to guide it, she must expect neither justice, nor mercy. His Majesty’s present ministers have intentionally brought the trial so fully forward, as to render unremonstrating submission perfect slavery. They have substituted discretion for law, and set the principles of the constitution, which ought to be fixed and free, afloat upon the merciless and fluctuating sea of arbitrary will. Not to oppose this most pernicious system, would be a crime: To oppose it unsuccessfully, would be our misfortune only.

“After Juries have been abolished by the late establishment of Admiralty Courts, or rendered nugatory by the un-



warrantable conduct of prerogative Judges, our Assemblies, to every great purpose of the constitution, curtailed of their privileges; in short, when the representative part of the constitution, the legislative, executive and judicial powers, are essentially torn from us, and wholly vested in our arbitrary rulers; what further badge of slavery have ministers to inflict, or we to suffer? Yet if force and lawless power must at present prevail, still it behoves us to protest against what we cannot prevent, and bear our testimony, before God and man, that we did not, without a struggle, submit to this humiliating state of absolute bondage: That our posterity, when they have power, may not want spirit, and a spur to reclaim those liberties, which their forefathers so reluctantly resigned."

Extract from a letter from Dr. FRANKLIN, dated, London, May, 1771—

"I think we may clearly see, in the system of customs to be exacted in America by acts of Parliament, the seeds sown of a total disunion of the two countries; though, as yet, that event may be at a distance. The course seems, naturally, to be—First, the appointment of needy men, as officers; for others do not care to leave England; their necessities make them rapacious—their office makes them proud and insolent—their insolence and rapacity make them odious—and being conscious, that they are hated, they become malicious. Their malice urges them to a continual abuse of the people, in their letters to ministers, representing them as disaffected and rebellious, and, to encourage severe measures, as weak, divided, timid and cowardly: Government believes all this; thinks it necessary to support its officers: Their quarrelling with the people is deemed a mark and consequence of their fidelity; they are therefore more highly rewarded; and this makes them still more insolent and provoking. The resentment of the people will, at times, and on particular occasions, burst into outrages and violence upon such officers; and this naturally draws down severity and acts of further oppression. The more the people are dissatisfied, the more rigor will be thought necessary; severe punishment will be inflicted to terrify; rights and privileges will be abolished; greater force

will then be required to secure execution and submission; the expense will become enormous; it will be thought proper, by fresh exactions, to make the people defray it. The British nation and government will then become odious, subjection to it will be deemed no longer tolerable: War will ensue, and the bloody struggle will end in the absolute slavery of America, or ruin to Britain, by the loss of its colonies; the latter most probably, from the growing strength and magnitude of America.

“But as the whole empire must, in either case, be greatly weakened, I cannot but wish to see much patience, and the utmost discretion in our general conduct, that the fatal period may be postponed; and that whenever this catastrophe shall happen, it may appear to the world, that the fault was not ours.

“Since the collection of these duties has already cost Britain infinitely more in the loss of commerce than they amount to, and that loss is likely to increase, by the encouragement given to our manufactures, and since the best pretence for establishing and enforcing the duties, is the regulation of trade, for the general advantage, it seems to me, it would be much better for Britain to give them up, on condition that the colonies would undertake to collect such as are thought fit to be continued, by laws of their own, and officers of their appointment, for the public uses of their respective governments. This would destroy the seeds of disunion, and both countries might much longer continue to grow great together; more secure by their united strength, and more formidable to their common enemies. But the power of appointing friends and dependants to profitable offices, is too pleasing to most administrations to be easily parted with, or lessened; and therefore such a proposition is not likely to meet with attention.

“I do not pretend to the gift of prophecy. History shews, that by such steps, great empires have heretofore crumbled: And the late transactions, of which we have so much cause to complain, shew that we are in the same train; and that, with-

out a greater share of prudence and wisdom than we have seen both sides to be possessed of, we shall probably come to the same conclusion."

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No. IV.—*Page 245.*

J. OTIS was chairman of the committee who prepared the protest on this occasion; which was as follows—"History furnishes an instance of an act of Parliament giving the force of law to the King's proclamations; but this was soon repealed, as subversive of the constitution. Since that period, an act was proposed to give the force of law to the King's instructions to Governors of the colonies; and though it was not passed, *some* Governors have appeared to consider such instructions as laws, not only to themselves, but to the people. But nothing is more clear, than that neither instructions nor proclamations ought to have such force, either in regard to the Governor, or the subjects. It may be within the prerogative of the crown, in cases of plain necessity, to summon a Parliament to some other place than Westminster; and so of a Governor of this province, in like cases of plain necessity, to convoke a General Assembly to some other place than Boston, its accustomed, ancient place, and where alone provision is made for it; yet, if a British King should call a Parliament, and keep it seven years in Cornwall, however his ministers might shift for themselves, their master and his affairs would be irretrievably embarrassed and ruined. And a Governor of this province, who, in order to harass the General Assembly into unconstitutional and unreasonable measures, should convene and hold them in the county of Berkshire or Lincoln, would render himself justly ridiculous and odious.

"There is nothing more plainly to be distinguished than power, right and prerogative, and the abuse of such power, right and prerogative. It is the King's prerogative to pardon all crimes, from trespass to high treason; but if the King

should pardon *all* criminals, there would be an end of his government. The Commons have the sole right to give and grant, or to refuse to grant taxes ; but if they should refuse to grant any thing, there would also soon be an end of government. Should a King call a Parliament but once in seven years ; and on its meeting, should instantly dissolve it, and so repeatedly, a few such repetitions would ruin him, and be deemed a dissolution of the social compact. Should a Governor of this province annually convene a General Assembly, and before or immediately after the election of Counsellors, dissolve such Assembly ; as the conduct would be similar, so the inferences and consequences must also be alike : For such exercises of the prerogative could not be deemed mistakes, but must be construed as voluntary and corrupt abuses of the prerogative, and a total perversion of the powers of which it consists. Such instances would be manifest abuses of power and prerogative ; and it is clearly, in our opinion, an abuse of the power vested in the Governor, by the charter, for him, unnecessarily, or merely in obedience to instructions, without exercising his own judgment or discretion, which by charter he is empowered, and is in duty bound to exercise for the good of the province, and not for the preservation of his place, to convene and hold the General Assembly out of the town of Boston, which is the ancient and most convenient place of its meeting.

“Upon these and other considerations, this House think it their indispensable duty, in discharge of the said trust reposed in them by their constituents, and for the sake of preserving and maintaining, as far as may be, the free constitution of the province, in the most explicit manner, to protest, and they do accordingly protest against all such doctrines, principles and practices as tend to establish either ministerial or even royal instructions, as laws, within this province. And further, this House do particularly protest against the manner of exercising the prerogative, in convening and holding the General Assembly in Cambridge, merely by force of instructions, as an intolerable grievance, which ought speedily to be redressed. It is notori-

ous, that former Houses have borne this grievance with great moderation, in hope it would not be continued: and although the present House is inclined to judge as candidly as possible of the intentions of administration, yet it is the clear opinion of the House, that, if after all the remonstrances which have been made against this grievance, it should not speedily be redressed, it will then become plain and obvious, that the power vested in the Governor by the charter, for the good of the province, is wittingly perverted to a very different end."

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No. V.—Page 295.

THE committee say, "That had the petitioners treated the General Court with more good manners and *truth*, they would have cast no odium upon their own characters by so doing; that there is an *essential* difference between persons being taxed where they are not represented, and therefore against their consent, and being taxed when represented, and when what is taxed is only in consequence of the very condition of their grant or contract, which no one compelled them to enter into; but which was entirely voluntary on their part. When a man purchases an estate under a mortgage, and he knows it to be so, what sort of *conscience* would he have to complain of being obliged to discharge it? The petitioners complain, that their estate is taken away from them against their wills; and very right it should be so, when their wills and their consciences are against doing what they engaged to do; and what, if they had not engaged to do, they would not have had the land at all. The petitioners allege that they are deprived of their charter rights, liberty of conscience; that they are persecuted, and ought to be free from performing the conditions on their part, because they are Baptists. In imitation of the spirit and disposition of the good people of



the province, and of the Legislature for many years past, the committee, if they thought it any way affected liberty of conscience, would have reported in favor of the petition. The end and design of the grant of waste lands by the General Court is, that they shall be improved; that what was mere nature should be occupied, and cultivated for the welfare and prosperity of his Majesty's good subjects in this province: But how can this be effected, when many in the newly granted townships refuse to comply with the conditions of the grant, by pleading conscience, which conditions they were perfectly acquainted with, when they had the grant. In new townships, the grantees, when all unite to perform the conditions, go through many hardships, and encounter a thousand difficulties before the same are performed. To excuse any, under any pretence whatever, therefore, would be unreasonable and cruel upon the rest, if they are obliged to do their own duty, and the duty of their delinquent brethren. And is this *conscience*? Or is it against *conscience* that a man shall be obliged to do what he hath solemnly and voluntarily covenanted to do? What other method can be devised but to sell the lands of those, who say that they will not be as good as their word, or keep their covenant, though it be greatly to the prejudice of the public? Is it not more favorable to these delinquents, that part of their land be sold in fulfilment of their engagements, than that the whole should revert to the province, which is the tenure of their grant, and by which they hold their land?"

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No. VI.—Page 389.

THE address was as follows—"The Congress of the Massachusetts colony, impressed with sentiments of gratitude and respect, beg leave to congratulate you on your safe arrival; and to wish you all imaginable happiness and success in the

execution of your elevated office. While we applaud that attention to the public good manifested in your appointment, we equally admire that disinterested virtue and distinguished patriotism, which alone could call you from the enjoyments of domestic life, which a sublime and manly taste, joined with an affluent fortune can afford, to hazard your life, and to endure the fatigues of war, in defence of the rights of mankind, and the good of your country. The laudable zeal for the common cause of America, and compassion for the distresses of this colony, exhibited by the great despatch made in your journey hither, fully justify the universal satisfaction we have with pleasure observed on this occasion, and are promising presages that the high expectations formed from your personal character and military abilities, are well founded. We wish you may have found such regularity and discipline already established in the army, as may be agreeable to your expectations. The hurry with which it was necessarily collected, and the many disadvantages arising from a suspension of government, under which we have raised and have endeavored to regulate the forces of this province, have rendered it a work of time. And though in some good measure effected, the completion of so difficult and necessary a task, is reserved to your Excellency: And we doubt not will be duly considered and attended to.

“ We would not presume to prescribe to your Excellency ; but supposing you would wish to be informed of the general character of the soldiers who compose the army, we beg leave to represent, that the greatest part of them have never before seen service : And although naturally brave and of good understanding, yet for want of experience in military life, can have but little knowledge of divers things most essential to the preservation of health, and of life itself. The youth of the army are not sensible of the absolute necessity of cleanliness in their dress and lodging, continual exercise and strict temperance, to preserve them from diseases frequently prevailing in camps.

“We beg leave to assure you, that this Congress will, at all times, be ready to attend to any requisitions you may have occasion to make on us; and to contribute all the aid in our power to the cause of America, and your happiness and ease in the discharge of the duties of your exalted station. And we most fervently implore Almighty God, that his benediction may rest upon you; ‘that your head may be covered in the day of battle;’ and that you may be long continued in life and health, a blessing to your country and mankind.”

The following was his reply—“Gentlemen, your kind congratulations on my appointment and arrival, demand my warmest acknowledgments, and will ever be retained in grateful remembrance. In exchanging the enjoyments of domestic life for the duties of my present honorable, but arduous station, I only emulate the virtue and public spirit of the whole province of Massachusetts; which, with a firmness and patriotism, without example in modern history, has sacrificed all the comforts of social and political life in support of the rights of mankind, and the welfare of our common country. My highest ambition is to be the happy instrument of vindicating those rights, and to see this devoted province again restored to peace, liberty and safety.

“The short space of time which has elapsed since my arrival, does not permit me to decide upon the state of the army. The course of human affairs forbids an expectation, that troops, formed under such circumstances, should, at once, possess the order, regularity and discipline of veterans. Whatever deficiencies there may be, will, I doubt not, soon be made up, by the activity and zeal of the officers, and the docility and obedience of the men. These qualities, united with their native bravery and spirit, will afford a happy presage of success, and put a final period to those distresses, which now overwhelm this once happy country. I most sincerely thank you for your declarations of readiness at all times to assist me in the discharge of the duties of my station—they are so complicated and extended, that I shall need the assistance of every good man and lover of his country; and I shall

repose the utmost confidence in your aids. In return for your affectionate wishes to myself, permit me to say, that I earnestly implore the Divine Being, in whose hands are all human events, to make you and your constituents as distinguished for private and public happiness, as you have been by ministerial oppression, and by private and public distress."

THE END.





The manuscript of 1754

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